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**Tuesday**  
**February 6, 1996**

# Federal Register

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- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** Sponsored by the Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

#### WASHINGTON, DC

- WHEN:** February 21, 1996 at 9:00 am
- WHERE:** Office of the Federal Register Conference Room, 800 North Capitol Street, NW., Washington, DC (3 blocks north of Union Station Metro)
- RESERVATIONS:** 202-523-4538



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**Electronic Bulletin Board**

Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

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Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## FARM CREDIT SYSTEM INSURANCE CORPORATION

### 5 CFR Chapter XXX and Part 4001

#### 12 CFR Part 1401

RIN 3055-AA03, 3209-AA15

#### Supplemental Standards of Ethical Conduct for Employees of the Farm Credit System Insurance Corporation

**AGENCY:** Farm Credit System Insurance Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Farm Credit System Insurance Corporation (Corporation) Board, with the concurrence of the Office of Government Ethics (OGE), adopts as final an interim rule which supplements the Standards of Ethical Conduct for Employees of the Executive Branch (Executive Branch-wide Standards) issued by the Office of Government Ethics. The final rule is a necessary supplement to the Executive Branch-wide Standards because it addresses ethical issues unique to Corporation programs and operations. In addition to this final rule, the Corporation is issuing a single section in its regulations that provides cross-references to the Executive Branch-wide Standards and financial disclosure regulations, as well as these new supplemental regulations.

**EFFECTIVE DATE:** February 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** Wendy R. Laguarda, Senior Attorney and Deputy Ethics Official, Farm Credit System Insurance Corporation, McLean, VA 22102-0826, (703) 883-4234, TDD (703) 883-4444.

**SUPPLEMENTARY INFORMATION:** On June 12, 1995, the Corporation published, with OGE concurrence and co-signature, an interim rule (60 FR 30773) and requested comments thereon. The interim rule established regulations

imposing prohibitions on the ownership of certain financial interests; prohibitions on certain forms of borrowing and extensions of credit; limitations on purchases of assets owned by Farm Credit System institutions, conservatorship or receivership assets, or certain assets held by the Corporation; restrictions arising from the employment of relatives; a prohibition against involvement in Farm Credit System board member elections; and restrictions on outside employment and business activities. The Corporation also issued a single section in its regulations at 12 CFR part 1401 to provide cross-references to the Executive Branch-wide Standards and financial disclosure regulations, as well as these new supplemental regulations codified at 5 CFR part 4001.

The Corporation received no comments on the interim rule.

Accordingly, the Corporation Board, with the concurrence of OGE, adopts the interim rule adding 5 CFR chapter XXX consisting of part 4001 and 12 CFR part 1401 which was published at 60 FR 30773 on June 12, 1995, as a final rule without change.

Dated: January 18, 1996.

Floyd Fithian,

*Secretary, Farm Credit System Insurance Corporation.*

Approved: January 24, 1996.

Stephen D. Potts,

*Director, Office of Government Ethics.*

[FR Doc. 96-2460 Filed 2-5-96; 8:45 am]

BILLING CODE 6710-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 558

#### New Animal Drugs for Use in Animal Feeds; Lasalocid; Correction

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting a final rule that appeared in the Federal Register of November 24, 1995 (60 FR 57928). The document amended the animal drug regulations to reflect

approval of a supplemental new animal drug application (NADA 96-298) filed by Hoffmann-La Roche, Inc. The document was published with some errors in the codified section. This document corrects those errors.

**EFFECTIVE DATE:** November 24, 1995.

**FOR FURTHER INFORMATION CONTACT:** David L. Gordon, Center for Veterinary Medicine (HFV-238), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1737.

In FR Doc. 95-28599, appearing on page 57928 in the Federal Register of Friday, November 24, 1995, the following corrections are made:

#### § 558.311 [Corrected]

On page 57929, in the third column, in § 558.311 *Lasalocid*, in paragraph (b)(7)(iii), the phrase "paragraph (e)(1)(xv)" is corrected to read "paragraph (e)(1)(xvi)" and on the same page, in the table, in paragraph (e)(1), under the first column, the entry for "(xv)" is corrected to read "(xvi)".

Dated: January 25, 1996.

Stephen F. Sundlof,

*Director, Center for Veterinary Medicine.*

[FR Doc. 96-2372 Filed 2-5-96; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 8650]

RIN 1545-AS23

#### Disallowance of Deductions for Employee Remuneration in Excess of \$1,000,000; Correction

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains corrections to final regulations (TD 8650) which were published in the Federal Register on Wednesday, December 20, 1995 (60 FR 65534), and relates to the disallowance of deductions for employee remuneration in excess of \$1,000,000.

**EFFECTIVE DATE:** December 20, 1995.

**FOR FURTHER INFORMATION CONTACT:** Robert Misner or Charles T. Deliee at (202) 622-6060 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:****Background**

The final regulations that are the subject of these corrections are under section 162(m) of the Internal Revenue Code.

**Need for Correction**

As published, the final regulations (TD 8650) contain errors that are misleading and in need of clarification.

**Correction of Publication**

Accordingly, the publication of the final regulations (TD 8650), which was the subject of FR Doc. 95-30869, is corrected as follows:

**§ 1.162-27 [Corrected]**

1. On page 65538, column 1, § 1.162-27 (c)(3)(ii)(A), line 2, the language "3121(a)(1) through section 3121(a)(5)(D)" is corrected to read "3121(a)(5)(A) through section 3121(a)(5)(D)".

2. On page 65543, column 2, § 1.162-27 (e)(4)(i), the last sentence is corrected to read as follows:

\* \* \* \* \*

(e) \* \* \*

(4) \* \* \* (i) \* \* \* The material terms include the employees eligible to receive compensation; a description of the business criteria on which the performance goal is based; and either the maximum amount of compensation that could be paid to any employee or the formula used to calculate the amount of compensation to be paid to the employee if the performance goal is attained (except that, in the case of a formula based, in whole or in part, on a percentage of salary or base pay, the maximum dollar amount of compensation that could be paid to the employee must be disclosed).

\* \* \* \* \*

3. On page 65544, column 3, § 1.162-27 (e)(5), second line from the bottom of the paragraph, the language "to the increase in the stock of the" is corrected to read "to the increase in the value of the stock of the".

Cynthia E. Grigsby,

*Chief, Regulations Unit, Assistant Chief Counsel (Corporate).*

[FR Doc. 96-2323 Filed 2-5-96; 8:45 am]

BILLING CODE 4830-01-P

**DEPARTMENT OF JUSTICE****Parole Commission****28 CFR Part 2****Parole Date Advancements for Substance Abuse Treatment Program Completion**

**AGENCY:** Parole Commission, Justice.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Parole Commission is substantially revising the interim rule, published in August of last year, that added to 28 CFR 2.60 a provision whereby a parole-eligible prisoner could qualify for a special advancement of his release date by up to twelve months, if the prisoner completed a residential substance abuse treatment program and was a non-violent offender. The rule was published as an interim rule so as to permit the Commission to determine whether the statutory criteria for parole at 18 U.S.C. 4206 would permit these prisoners to receive an incentive for completion of such programs comparable to the incentive that is available under 18 U.S.C. 3621(e)(2) for prisoners serving sentences for crimes committed after November 1, 1987. (Such prisoners are not eligible for parole, but can qualify for up to twelve months of reduction in custody for completion of residential substance abuse programs). In practice, the Commission has not been able to grant advancements sufficient for the interim rule to provide the desired incentive, because parole-eligible prisoners all too frequently have serious offenses and serious prior records that preclude early release from prison. Accordingly, the interim rule has been substantially revised so that the permissible advancement for residential substance abuse program completion will be determined under the existing schedule for "superior program achievement," and not in addition to it.

**EFFECTIVE DATE:** March 7, 1996.

**ADDRESSES:** Send comments to Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815.

**FOR FURTHER INFORMATION CONTACT:** Pamela A. Posch, Office of General Counsel, Telephone (301) 492-5959.

**SUPPLEMENTARY INFORMATION:** The interim regulation was published at 60 FR 40094 (August 7, 1995). The interim rule permitted the advancement of a parole-eligible prisoner's presumptive release date by up to twelve months for successfully completing a residential substance abuse treatment program. However, the interim rule made it clear

that the Commission's decision in any case would continue to be governed by the criteria for parole at 18 U.S.C. 4206(a), which requires the Commission to ensure that release will not depreciate the seriousness of the offense or jeopardize the public welfare. The Commission stated that it needed to determine whether the interim rule could be implemented consistently with the criteria at 18 U.S.C. 4206, and that if such did not appear feasible "\* \* \* the Commission may amend or withdraw the interim regulation." 60 FR 40095.

In practice, the Commission has found that the remaining population of parole-eligible prisoners consists of so many offenders with extremely serious offenses, serious prior records, and serious indications of future recidivism, that the advancement authorized by the interim rule could seldom be reconciled with the statutory criteria for parole. For the most part, prisoners in the parole-eligible population who qualify under the interim rule have already received appropriate advancements. The remaining population cannot be expected to produce a sufficient number of qualified applicants to justify the adoption of the interim rule as a final rule. The Commission wishes to avoid the situation in which its regulations appear to promise release date advancements which, in practice, are rarely granted.

On the other hand, the Commission does not wish to withdraw altogether the incentive for substance abuse program participation that the interim rule was intended to provide. The final rule guarantees that, upon receipt of a report from the Bureau of Prisons that the prisoner has successfully completed a residential substance abuse program of at least 500 hours, such a prison will be promptly reviewed for a possible advancement under the schedule set forth in 28 C.F.R. 2.60(e). Although this schedule authorizes advancement of less than twelve months for prisoners whose release dates require service of less than eighty-five months in prison, greater advancements are authorized for prisoners who have been required to serve eighty-five or more months in prison.

Accordingly, by considering substance abuse program completion as "superior program achievement" under § 2.60, the Commission intends to evaluate the appropriateness of such an advancement in the same manner that it considers advancements for other forms of superior program achievement, *i.e.*, by balancing the need for recognition of the prisoner's achievement against the need to avoid a grant of parole that

depreciates the seriousness of the offense or jeopardizes the public welfare. The procedural benefit of a prompt review upon program completion as opposed to postponement to the next statutory interim hearing) will constitute the Commission's special response to the completion of residential substance abuse programs. This policy determination recognizes the importance of such programs in contributing to the eventual rehabilitation of prisoners whose criminal behavior can, in some measure, can be attributed to substance abuse addiction.

#### Implementation

The Commission will apply this rule at any hearing or record review (including appeals submitted to the National Appeals Board) conducted on or after the effective date set forth above. If the prisoner has demonstrated superior program achievement in some other respect, and such achievement has not yet been considered for an advancement under § 2.60, any advancement will be based on the prisoner's overall record of accomplishments. If superior program achievement has already been rewarded, the advancement(s) previously granted plus the advancement for residential substance abuse program completion may not exceed the permissible reduction set forth at § 2.60(e) except in the most clearly exceptional cases (e.g., where substance abuse program completion is found to make the prisoner a more acceptable risk for parole than indicated by the Salient Factor Score).

Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this final rule is not a significant rule within the meaning of Executive Order 12866, and the rule has, accordingly, not been reviewed by the Office of Management and Budget. The rule will not have a significant economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Probation and parole, Prisoners.

#### The Amendment

Accordingly, the U.S. Parole Commission is adopting the following amendments to 28 CFR part 2.

### PART 2—[AMENDED]

(1) The authority citation for 28 CFR part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

(2) 28 CFR part 2, § 2.60 is amended by removing paragraphs (g) and (h), and by adding a final sentence to paragraph (b) to read as follows:

#### § 2.60 Superior program achievement.

\* \* \* \* \*

(b) \* \* A report from the Bureau of Prisons based upon successful completion of a residential substance abuse program of at least 500 hours will be given prompt review by the Commission for a possible advancement under this section.

\* \* \* \* \*

Dated: January 29, 1996.

Jasper R. Clay, Jr.,

*Vice Chairman, U.S. Parole Commission.*

[FR Doc. 96-2402 Filed 2-5-96; 8:45 am]

BILLING CODE 4410-01-M

### DEPARTMENT OF DEFENSE

#### Department of the Air Force

#### 32 CFR Part 835

#### Support of Nongovernmental Test and Evaluation

**AGENCY:** Department of the Air Force, Department of Defense.

**ACTION:** Final rule; withdrawal.

**SUMMARY:** The Department of the Air Force is amending Title 32, Chapter VII of the CFR by removing Part 835, Support of Nongovernmental Test and Evaluation. The rule is removed since the source document, AFR 80-19, was rescinded.

**EFFECTIVE DATE:** February 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. Patsy Conner, Air Force Federal Register Liaison Officer, SAF/AAIQ, 1610 Air Force Pentagon, Washington, DC 20330-1610.

#### SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 835

Federal buildings and facilities, Research.

Authority: 10 U.S.C. 8013

### PART 835—[REMOVED]

Accordingly, 32 CFR, Chapter VII, is amended by removing Part 835.

Patsy J. Conner,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 96-2517 Filed 2-5-96; 8:45 am]

BILLING CODE 3910-01-P

### 32 CFR Part 838

#### Air Force Systems Command Contractor Performance Assessment

**AGENCY:** Department of the Air Force, Department of Defense.

**ACTION:** Final rule; withdrawal.

**SUMMARY:** On August 11, 1988, the Department of the Air Force published (at 53 FR 30253) a final rule to amend 32 CFR by adding Part 838, Air Force Systems Command Contractor Performance Assessment. As a result of an Air Force reorganization, Air Force Systems Command was deactivated. Also an initiative in the Air Force to streamline and reduce Air Force publications resulted in the cancellation of the source document, Air Force Systems Command Regulation 800-54, AFSC Contractor Performance Assessment. On March 31, 1995, a final rule was published in the Federal Register entitled Federal Acquisition Regulation; Past Performance Information. On November 17, 1995, a proposed rule was published in the Federal Register entitled Defense Federal Acquisition Regulation Supplement; Past Performance. Therefore the Air Force's final rule on contractor performance assessment is withdrawn.

**EFFECTIVE DATE:** February 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** Maj. Bratten, SAF/AQS, 1060 Air Force Pentagon, Washington, DC 20330-1060, telephone (703) 697-6400.

#### SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 838

Government contracts.

Authority: 10 U.S.C. 8013.

### PART 838—[REMOVED]

Accordingly, 32 CFR, Chapter VII, is amended by removing Part 838.

Patsy J. Conner,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 96-2514 Filed 2-5-96; 8:45 am]

BILLING CODE 3910-01-P

### 32 CFR Part 843

#### Statutory Reimbursement for Land

**AGENCY:** Department of the Air Force, Department of Defense.

**ACTION:** Final rule; withdrawal.

**SUMMARY:** The Department of the Air Force is amending Title 32, Chapter VII of the CFR by removing Part 843, Statutory Reimbursement for Land. The Corps of Engineers acts as the Air

Force's real estate agent in acquiring land and routinely exercises the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. § 4601 et. seq., to authorize payment of relocation costs. Since 32 CFR Part 843 is no longer used for this purpose, it is removed from the Code of Federal Regulations.

**EFFECTIVE DATE:** February 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles G. Skidmore, AFREA/MI, 112 Luke Avenue Room 104, Bolling AFB DC 20332-8020, telephone (202) 767-4033.

**SUPPLEMENTARY INFORMATION:**

List of Subjects in 32 CFR Part 843

Claims.

Authority: 10 U.S.C. 8013

**PART 843—[REMOVED]**

Accordingly, 32 CFR, Chapter VII, is amended by removing Part 843.

Patsy J. Conner,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 96-2519 Filed 2-5-96; 8:45 am]

**BILLING CODE 3910-01-P**

**32 CFR Part 848**

**Foreign Tax Relief Program**

**AGENCY:** Department of the Air Force, Department of Defense.

**ACTION:** Final rule; withdrawal.

**SUMMARY:** The Department of the Air Force is amending Title 32, Chapter VII of the CFR by removing Part 848, Foreign Tax Relief Program. This rule is removed because it has limited applicability to the general public. This action is the result of departmental review. The intended effect is to ensure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

**EFFECTIVE DATE:** February 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** MsPatsy J. Conner, Air Force Federal Register Liaison Officer, SAF/AAIQ, 1610 Air Force Pentagon, Washington, DC 20330-1610, telephone (703) 614-3488.

**SUPPLEMENTARY INFORMATION:**

List of Subjects in 32 CFR Part 848

Foreign relations, Government contracts, Taxes.

Authority: 10 U.S.C. 8013.

**PART 848—[REMOVED]**

Accordingly, 32 CFR, Chapter VII, is amended by removing Part 848.

Patsy J. Conner,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 96-2518 Filed 2-5-96; 8:45 am]

**BILLING CODE 3910-01-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[MO-24-1-7047a; FRL-5317-7]

**Approval and Promulgation of Implementation Plans; State of Missouri**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** This final action approves the State Implementation Plan (SIP) submitted by the state of Missouri. The state's revision expands the types of testing and monitoring data, including stack and process monitoring, which can be used directly for compliance certifications and enforcement.

**DATES:** This action is effective April 8, 1996 unless by March 7, 1996 adverse or critical comments are received.

**ADDRESSES:** Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and EPA Air & Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Joshua A. Tapp at (913) 551-7606.

**SUPPLEMENTARY INFORMATION:** The EPA believes that existing SIPs (nationwide) are inadequate for states or EPA to fully implement the Clean Air Act Amendments, because the SIPs may presently be interpreted to limit the types of testing or monitoring data that may be used for determining compliance and establishing violations. On May 11, 1994, EPA issued a call to the state of Missouri to revise its SIP to clarify that any monitoring approved for the source (and included in a Federally enforceable operating permit) may form the basis of the compliance certification, and that any credible evidence may be used for purposes of enforcement in Federal court.

On March 13, 1995, Missouri made an official plan submission in response to the EPA's SIP call. Missouri submitted a new rule, 10 CSR 10-6.280, which

appropriately provides for data which have been collected under the enhanced monitoring and operating permit programs to be used for compliance certifications and enforcement actions. Specifically, section (2) of this rule authorizes these data to be used for compliance certifications, and section (3) authorizes these data to be considered for enforcement actions.

EPA interprets the language in section 2(c) which states, "Any other monitoring methods approved by the Director" to provide the Director with the authority to require "additional" monitoring methods, as necessary. Consistent with past and present EPA policy, the use of substitute sampling methods which are not listed in the rule would require a revision to the SIP.

This revision will enhance the state's capability for determining compliance with, and for establishing violations of, the underlying emission limitations.

**EPA Action**

EPA is taking final action to approve revisions submitted March 13, 1995, for the state of Missouri.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in the Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule, based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. §§ 603 and 604). Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-

profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act (CAA) do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, EPA certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds (*Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

The Office of Management and Budget has exempted these actions from review under Executive Order 12866.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 8, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: October 2, 1995.

William Rice,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

#### Subpart AA—[Missouri]

2. Section 52.1320 is amended by adding paragraph (c)(91) to read as follows:

##### § 52.1320 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(91) This revision provides for data which have been collected under the enhanced monitoring and operating permit programs to be used for compliance certifications and enforcement actions.

(i) Incorporation by reference.

(A) 10 CSR 10-6.280 Compliance Monitoring Usage, effective December 30, 1994.

[FR Doc. 96-2379 Filed 2-5-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[RI-16-01-6673a; A-1-FRL-5337-6]

#### Approval and Promulgation of Air Quality Implementation Plans; Rhode Island: Revisions to the Requirements and Procedures for NSR/PSD Permit Applications

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving the State implementation plan (SIP) revisions submitted by the State of Rhode Island for the purpose of meeting requirements of the Clean Air Act Amendments of 1990 (CAAA) with regard to New Source Review (NSR) in areas that have not attained the National Ambient Air Quality Standards (NAAQS). In addition, EPA is approving revisions to Rhode Island's SIP pertaining to Prevention of Significant Deterioration (PSD) program in attainment areas and other miscellaneous requirements. In general, these revisions make the Rhode Island PSD program more consistent with the current Federal requirements. The intended effect of this action is to approve the State's request to amend its SIP to satisfy the Federal requirements. This action is being taken in accordance with the Clean Air Act.

**DATES:** This action is effective April 8, 1996, unless notice is received within 30 days that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Comments may be mailed to Susan Studlien, Acting Director, Air, Pesticides and Toxics Management

Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment, at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, S.W., (LE-131), Washington, D.C. 20460; and the Division of Air and Hazardous Materials, Department of Environmental Management, 291 Promenade Street, Providence, RI 02908-5767.

**FOR FURTHER INFORMATION CONTACT:** Brendan McCahill, (617) 565-3262.

**SUPPLEMENTARY INFORMATION:** On March 11, 1993, the Rhode Island Department of Environmental Management (DEM) submitted revisions to its SIP pertaining to the requirements and procedures for the processing and approval of permit applications for new or modified stationary sources of air pollution. The revisions consist of modifications to Rhode Island's Air Pollution Control Regulation #9, "Air Pollution Control Permits," and affect the following elements: (1) major source permitting in nonattainment areas, including ozone nonattainment areas; (2) PSD program; (3) minor source construction permitting; and (4) general administrative requirements of the permitting program.

This notice is divided into five sections for clarity. Section I discusses the procedural background concerning Rhode Island's SIP submittal. Section II discusses the revisions to the general requirements for nonattainment NSR. Section III discusses the revisions to the specific requirements for NSR in the ozone nonattainment areas. Section IV discusses the revisions to the general requirements for the PSD program, minor source permitting requirements and general administrative requirements of the permitting program. Section V discusses the EPA's final action.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 8, 1996 unless, by March 7, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by simultaneously publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action.

Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on April 8, 1996.

## Section I

### Procedural Background

Section 110(k) of the CAA sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565-66, April 16, 1992). The CAA requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing.<sup>1</sup> Section 110(l) of the Act similarly provides that each revision to an implementation plan submitted by a State under the Act must be adopted by such State after reasonable notice and public hearing.

The EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action [see § 110(k)(1) and 57 FR 13565, April 16, 1992]. The EPA's completeness criteria for SIP submittals are set out at 40 CFR part 51, Appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). The EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law under section 110(k)(1)(B) if a completeness determination is not made by EPA within 6 months after receipt of the submission.

The State of Rhode Island held a public hearing on October 19, 1992, to entertain public comment on the new source review implementation plan. Following the public hearing, the plan was filed with the Secretary of State on March 4, 1993, and became effective on March 24, 1993. The plan was submitted to EPA on March 11, 1993 as a proposed revision to the SIP.

The SIP revision was reviewed by EPA to determine completeness shortly

after its submittal, in accordance with the completeness criteria referenced above. The submittal was found to be complete on May 6, 1993 and a letter dated May 10, 1993 was forwarded to Steve Majkut, Acting Chief, Division of Air Resources, DEM, indicating the completeness of the submittal and the next steps to be taken in the review process.

## Section II

### General Requirements for Nonattainment NSR

#### A. Background

The air quality planning requirements for nonattainment new source review are set out in part D of subchapter I of the Act. The EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under part D, including those State submittals containing nonattainment area NSR SIP requirements [see 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)]. Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of part D advanced in today's proposal and the supporting rationale.

#### B. Summary of Rhode Island's Regulation

The general nonattainment NSR requirements are found in §§ 172 and 173 of part D of subchapter I of the Act and must be met by all nonattainment areas. The following paragraphs reference the nonattainment NSR requirements that were required to be submitted to EPA by November 15, 1992 and explain how Rhode Island's rules meet those requirements. Some of these provisions were already contained in Rhode Island's existing SIP while others are being approved today.

a. Rhode Island regulation 9.4.3(a) establishes provisions in accordance with § 173(a)(1)(A) of the CAA to assure that calculations of emissions offsets are based on the same emissions baseline used in the demonstration of Reasonable Further Progress (RFP).

b. Rhode Island regulation 9.4.2(d)(5) establishes provisions in accordance with § 173(c)(1) of the CAA to allow offsets to be obtained in another nonattainment area if: i) the area has an equal or higher nonattainment classification and ii) emissions from the other nonattainment area contribute to a NAAQS violation in the area in which the source would construct.

c. Rhode Island regulation 9.4.2(d)(2)-3) establishes provisions in accordance

with § 173(c)(1) of the CAA that any emissions offsets obtained in conjunction with the issuance of a permit to a new or modified source must be in effect and enforceable by the time the new or modified source commences operation.

d. Rhode Island regulation 9.4.2(c) establishes provisions in accordance with § 173(c)(1) of the CAA to assure that emissions increases from new or modified sources are offset by real reductions in actual emissions.

e. Rhode Island regulation 9.4.3(a) establishes provisions in accordance with § 173(c)(2) of the CAA to prevent emissions reductions otherwise required by the Act from being credited for purposes of satisfying part D offset requirements.

f. The 1990 CAAA modified the Act's provisions on growth allowances in nonattainment areas by (1) Eliminating existing growth allowances in any nonattainment area that received a notice prior or subsequent to the Amendments that the SIP was substantially inadequate, and (2) restricting growth allowances to only those portions of nonattainment areas formally targeted as special zones for economic growth. Section 173(b) and 173(a)(1)(B) of the CAA. Consistent with these changes, Rhode Island has removed from its SIP NSR regulations the growth allowance provisions. There are no zones currently in Rhode Island that are targeted for economic development.

g. Rhode Island regulation 9.4.2(e) establishes provisions in accordance with § 173(a)(5) of the CAA that, as a prerequisite to issuing any part D permit, require an analysis of alternative sites, sizes, production processes, and environmental control techniques for proposed sources that demonstrates that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

h. Rhode Island and the EPA-New England office have established a mechanism through the Regional grants program to supply information from nonattainment new source review permits to EPA's RACT/BACT/LAER clearinghouse in accordance with § 173(d) of the CAA.

i. Rhode Island regulation 9.1.39 establishes, in accordance with §§ 302(z) and 111(a)(3) of the CAA, a definition of "stationary source" that includes certain internal combustion engines other than the newly defined category of "nonroad engines."

j. Rhode Island regulation 9.4.2(b) establishes provisions in accordance

<sup>1</sup> Section 172(c)(7) of the Act provides that plan provisions for nonattainment areas shall meet the applicable provisions of § 110(a)(2).

with § 173(a)(3) of the CAA that require owners or operators of each proposed new or modified major stationary source to demonstrate, as a condition of permit issuance, that all other major stationary sources under the same ownership in the State are in compliance with the CAA.

### Section III

#### General Requirements for Ozone Nonattainment NSR

##### A. Background

The general nonattainment NSR requirements are found in §§ 172 and 173 of Part D of subchapter I of the Act and must be met by all nonattainment areas. The requirements for ozone that supplement or supersede these requirements are found in subpart 2 of part D. In addition to requirements for ozone nonattainment areas, subpart 2 includes § 182(f), which states that requirements for major stationary sources of VOC shall apply to major stationary sources of oxides of nitrogen (NO<sub>x</sub>) unless the Administrator makes certain determinations related to the benefits or contribution of NO<sub>x</sub> control to air quality, ozone attainment, or ozone air quality. States were required under section 182(a)(2)(C) to adopt new NSR rules for ozone nonattainment areas by November 15, 1992.

##### B. Summary of Rhode Islands Submittal

Pursuant to § 172(c)(5) of the CAA, SIPs must require permits for the construction and operation of new or modified major stationary sources. The federal statutory permit requirements for ozone nonattainment areas are generally contained in revised § 173, and in subpart 2 of subchapter I, part D of the CAA. These are the minimum requirements that States must include in an approvable implementation plan. For all classifications of ozone nonattainment areas and for ozone transport regions (OTRs), States must adopt the appropriate major source thresholds and offset ratios, and must adopt provisions to ensure that any new or modified major stationary source of NO<sub>x</sub> satisfies the requirements applicable to any major source of VOC, unless a special NO<sub>x</sub> exemption is granted by the Administrator under the provision of § 182(f). For serious and severe ozone nonattainment areas, State plans must also implement §§ 182(c) (6), (7) and (8) with regard to modifications. The entire state of Rhode Island is currently classified as a serious ozone nonattainment area.

The following paragraphs reference the ozone nonattainment and OTR NSR requirements that Rhode Island was

required to submit to EPA by November 15, 1992 and how Rhode Island has met those requirements.

a. Rhode Island Regulations 9.4.1(b)(1) and 9.4.2 establish, in accordance with §§ 182(c) and 182(f) of the CAA, major source thresholds for serious areas of 50 tons per year (tpy) for VOC and for NO<sub>x</sub>.

b. Rhode Island Regulation 9.4.2(d)(4) establishes, in accordance with §§ 183(c)(10) and 182(f) of the CAA, an offset ratio of 1.2 to 1 for major sources or major modifications of VOC or NO<sub>x</sub> in serious areas.

c. In combination, Rhode Island Regulations 9.1.25 and 9.1.37 establish provisions that are consistent with the requirements of § 182(c)(6) of the CAA, the De Minimis Ruling.

d. Rhode Island Regulation 9.4.2 (a)(3) and (a)(4) establish provisions which are at least as stringent as the Federal special rules for modifications in § 182(c) (7) and (8) of the CAA.

### Section IV

#### Revisions to PSD Program, Minor Source Permitting, and General Requirements

##### A. Background

Requirements for attainment NSR are set out in part C of subchapter I of the CAA and in 40 CFR 51.166 and must be met by all State PSD program SIPs. Minor source construction permitting requirements are contained in section 110(a)(2)(c) and 40 CFR 51.100–165. Rhode Island has revised various provisions in its PSD program and in its construction permitting regulation.

##### B. Summary of Rhode Island's Submittal

In general, the revisions clarified the current procedures used by the DEM or implemented procedures consistent with current federal rules. A brief description of the revisions is as follows:

- The definition of significant net emissions increase for NO<sub>x</sub> in NO<sub>x</sub> attainment areas has been changed from 40 to 25 tpy.
- The threshold level for municipal incinerators in the definition of major source has been lowered from 250 to 50 tons of charged refuse per day. Municipal incinerators below the threshold level do not include fugitive emissions in determining whether the source is a major source.
- The definition of "significant" has been changed to include the significant net emission threshold levels for municipal waste combustor pollutants.

—The definitions for nonroad engines and nonroad vehicles have been added to the regulation.

—The limits to the percentage of increment consumed by a source or modification now applies only to major sources or major modifications.

—Sources are required to obtain a major source permit or a minor source permit, whichever applies.

—Certain air pollution control equipment have been exempted from minor source permitting requirements.

—The requirements for public participation in the review of major source permit applications have been added to the body of the regulation.

—The requirements for operating permits have been removed from the regulation.

—The time limit for a source to commence construct after issuance of a permit has been increased from 1 year to 18 months.

—The definition for "State recovery facility" has been removed from the regulation.

For further details concerning the revisions to Rhode Island's Air Pollution #9 and EPA's evaluation, please refer to the memorandum entitled "Technical Support Document—Rhode Island New Source Review Revisions."

### Section V

#### Final Action

EPA is approving the revisions to the Rhode Island Air Pollution Control Regulation No. 9, "Air Pollution Control Permits," except for Chapter 9.13, Application for an Air Toxics Operating Permit; Chapter 9.14, Administrative Action: Air Toxics Operating Permits; Chapter 9.15, Transfer of an Air Toxics Operating Permit; and Appendix A, Toxics Air Pollutants, Minimum Quantities. This regulation was effective in the State of Rhode Island on March 24, 1993. These revisions meet the nonattainment area NSR provisions of Part D of the CAA as well as the requirements of the General Preamble and other miscellaneous requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. § 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. §§ 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Section 110 of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

The OMB has exempted this action from review under Executive Order 12866.

SIP approvals under section 110 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order 12866.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 8, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Environmental protection, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Note: Incorporation by reference of the State Implementation Plan for the State of Rhode Island was approved by the Director of the Federal Register on July 1, 1982.

Dated: September 11, 1995.  
John P. DeVillars,  
*Regional Administrator, Region I.*

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

## PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

## SUBPART OO—Rhode Island

2. Section 52.2070 is amended by adding paragraph (c)(41) to read as follows:

### § 52.2070 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(41) Revisions to the State Implementation Plan submitted by the Rhode Island Department of Environmental Management on March 11, 1993.

(i) Incorporation by reference.

(A) Letter from the Rhode Island Department of Environmental Management dated March 5, 1993 submitting a revision to the Rhode Island State Implementation Plan.

(B) Rhode Island's Air Pollution Control Regulation No. 9 entitled, "Air Pollution Control Permits," except for Chapter 9.13, Application for an Air Toxics Operating Permit; Chapter 9.14, Administrative Action: Air Toxics Operating Permits; and Chapter 9.15, Transfer of an Air Toxics Operating Permit; and Appendix A, Toxic Air Pollutants, Minimum Quantities. This regulation was effective in the State of Rhode Island on March 24, 1993.

(ii) Additional materials.

(A) A fact sheet on the proposed amendments to Regulation No. 9 entitled, "Approval to Construct, Install, Modify or Operate".

(B) Nonregulatory portions of the State submittal.

3. In § 52.2081 Table 52.2081 is amended by adding new entries to existing state citations for Chapter No. 9, to read as follows:

### § 52.208 EPA-approved EPA Rhode Island State regulations.



TABLE 52.2081.—EPA-Approved Rules and Regulations

State citation	Title/subject	Date adopted by State	Date approved by EPA	FR citation	52.2070	Comments/Unapproved sections
No. 9 .....	Air Pollution Control Permits.	March 4, 1993 .....	February 6, 1996 ..	61 FR 4353 .....	(c)(41)	Addition of NSR and other CAAA requirements under Amended Regulation No. 9 except for Chapters 9.13, 9.14, 9.15, and Appendix A.

[FR Doc. 96-2226 Filed 2-5-96; 8:45 am]  
BILLING CODE 6560-50-P

#### 40 CFR Part 81

[FRL-5412-5]

#### Designation of Areas for Air Quality Planning Purposes; South Dakota; Approval of Redesignation Request

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** In this document, EPA is approving an October 12, 1995 request from the designee of the Governor of South Dakota to redesignate the "Rest of State" area designated under section 107 of the Clean Air Act (Act), which includes the entire State of South Dakota except the Rapid City area, from unclassifiable to attainment for PM-10. EPA is approving the redesignation request because the State has adequately demonstrated that the "Rest of State" is in attainment of the PM-10 National Ambient Air Quality Standards (NAAQS) and that it will continue to maintain the PM-10 NAAQS. The requirements that will apply in the "Rest of State" area will not change as a result of this action because, for the purposes of the requirements of the Act, unclassifiable areas and attainment areas are treated the same.

**DATES:** This action is effective on April 8, 1996 unless adverse or critical comments are received by March 7, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Copies of the State's submittal and other relevant information are available for inspection during normal business hours at the following locations: Air Program, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466; and South Dakota Department of Environment and Natural Resources, Division of Environmental Regulation,

Joe Foss Building, Pierre, South Dakota 57501.

#### FOR FURTHER INFORMATION CONTACT:

Vicki Stamper, 8ART-AP, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466, (303) 312-6445.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The State of South Dakota has two areas designated under section 107 of the Act for PM-10 in 40 CFR 81.342, both of which are designated as unclassifiable: the "Rapid City Area" and the "Rest of State" (see 60 FR 55800, November 3, 1995, for the initial promulgation of PM-10 table in 40 CFR 81.342). EPA designated these areas as unclassifiable, rather than attainment, to be consistent with section 107(d)(4)(B) of the Act, which states that any area not initially designated as nonattainment for PM-10 shall be designated unclassifiable. Both "unclassifiable" and "attainment" areas have the same status relative to the applicable requirements of the Act.

However, States do have the option of requesting redesignation of such areas from unclassifiable to attainment for PM-10, if certain requirements are met. In a September 13, 1995 letter to the State of South Dakota, EPA stated that the following requirements needed to be met in order for EPA to redesignate an area from unclassifiable to attainment for PM-10:

A. EPA must receive a request from the Governor (or his/her designee) to redesignate an area from unclassifiable to attainment for PM-10 pursuant to section 107(d)(3)(D) of the Act;

B. The State must have a maintenance plan pursuant to section 175A of the Act which, for redesignation from unclassifiable to attainment, would include the existing State regulations approved in the SIP that control emissions of PM-10 in the area; and

C. Verification of three consecutive years of clean air quality PM-10 data for the area.

With such a submittal showing that the area is in attainment of the PM-10 NAAQS and that the area will maintain attainment based on the PM-10 controls in the SIP, EPA can redesignate an area from unclassifiable to attainment for PM-10.

##### II. Evaluation of State's Submittal

On October 12, 1995, the designee of the Governor of South Dakota submitted a request pursuant to section 107(d)(3)(D) of the Act for the "Rest of State" area (which includes the entire State except the Rapid City area) to be redesignated from unclassifiable to attainment for PM-10. The State's letter indicated that the air quality monitoring data for the "Rest of State," all of which has been entered into EPA's aerometric information retrieval system (AIRS) database, show levels less than the PM-10 NAAQS. Further, the State indicated that the South Dakota air monitoring network for the "Rest of State" is reviewed annually to ensure that the monitors are measuring maximum PM-10 concentrations, and that the most recent network review was sent to EPA in August of 1995. Last, the State indicated that Article 74:36 of the Administrative Rules of South Dakota (ARSD), which was most recently approved by EPA as part of the SIP on September 6, 1995 (60 FR 46222), will ensure that attainment of the PM-10 NAAQS will be maintained in the "Rest of State" area.

A review of the data entered by the State into the AIRS database found that the "Rest of State" area is in attainment of the PM-10 NAAQS. The State currently has three PM-10 monitoring stations in the "Rest of State" area: two in Sioux Falls and one in Brookings. Based on the information included in the most recent annual network review (which was approved by EPA on August 18, 1995), EPA is confident that these monitors are in the areas of expected maximum PM-10 concentrations in the "Rest of State" area. A review of the data indicates there have been no violations of the PM-10 24-hour or

annual NAAQS at any of these monitors in the last three calendar years (1992 through 1994), and the expected number of PM-10 exceedances is less than 1.0 per year. The PM-10 data currently in AIRS for 1995 also shows no violations. Thus, EPA believes the "Rest of State" area in South Dakota, which includes the entire State except the "Rapid City Area," is in attainment of the PM-10 NAAQS.

The State of South Dakota has many regulations in its SIP which will help to ensure that the "Rest of State" area maintains attainment of the PM-10 NAAQS. First, the State has a construction and operating permit program in ARSD 74:36:04, for minor sources greater than 25 tons per year, and in ARSD 74:36:05, for major sources greater than 100 tons per year. These regulations allow the State to issue a permit for a new source to construct or operate only when it has been shown that the new source will not prevent or interfere with attainment or maintenance of the NAAQS. Further, the State has also been delegated authority to implement the Federal prevention of significant deterioration (PSD) permitting program in 40 CFR 52.21 which includes, among other things, the requirement that new and modified major stationary sources comply with the PM-10 increments and apply best available control technology (BACT). Thus, the State's permitting requirements should ensure that new growth in stationary source emissions does not impact attainment or maintenance of the PM-10 NAAQS in the "Rest of State" area.

In addition to the permitting requirements, the State has specific regulations that control the emissions of particulate matter, including PM-10, in ARSD 74:36:06, 74:36:07, and 74:36:15. These include particulate emission limits for fuel-burning units, process industry units, incinerators, and wood waste burners; a 20% opacity limit that generally applies to all sources; and open burning requirements. Last, the State has adopted most of the Federal new source performance standards (NSPS) of 40 CFR part 60 in ARSD 74:36:07, and many of these regulations also help to reduce PM-10 emissions. Thus, EPA believes these existing State regulations, which have been approved by EPA as part of the SIP, will help to ensure that the "Rest of State" area maintains attainment of the PM-10 NAAQS.

Based on the fact that the "Rest of State" area is in attainment of both the 24-hour and annual PM-10 NAAQS and that the State has controls in place that will help to ensure the "Rest of State"

maintains attainment of the PM-10 NAAQS, EPA believes it is appropriate to approve the State's request to redesignate the "Rest of State" from unclassifiable to attainment for PM-10. The State will still be required to conduct annual monitoring network reviews to ensure the PM-10 monitors are measuring maximum concentrations, so EPA will be aware if the attainment status of this area changes in the future and triggers the need for additional PM-10 controls as required by the Act.

#### Final Action

EPA is approving the State of South Dakota's request to redesignate the "Rest of State" area in 40 CFR 81.342 from unclassifiable to attainment for PM-10.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the State's request should adverse or critical comments be filed. Under the procedures established in the May 10, 1994 Federal Register (59 FR 24054), this action will be effective on April 8, 1996 unless, by March 7, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on April 8, 1996.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to any SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this

regulatory action from Executive Order 12866 review.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Redesignation of an area under section 107(d)(3)(D) of the Act does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. The Administrator certifies that the approval of the redesignation request will not affect a substantial number of small entities.

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

The State has requested redesignation of the "Rest of State" area from unclassifiable to attainment for PM-10, in accordance with section 107 of the Act. EPA's approval of this redesignation request will impose no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, will result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 8, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

## List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: January 23, 1996.

Jack W. McGraw,

*Acting Regional Administrator.*

40 CFR part 81 is amended as follows:

**PART 81—[AMENDED]**

1. The authority citation for part 81 continues to read as follows:

**SOUTH DAKOTA—PM-10**

Authority: 42 U.S.C. 7401-7671q.

2. Section 81.342 is amended by revising the table for "South Dakota—PM-10" to read as follows:

**§ 81.342 South Dakota.**

\* \* \* \* \*

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Rapid City Area .....	11/15/90 .....	Unclassifiable .....		
Rest of State <sup>1</sup> .....	April 8, 1996 .....	Attainment .....		

<sup>1</sup> Denotes a single area designation for PSD baseline area purposes.

\* \* \* \* \*

[FR Doc. 96-2497 Filed 2-5-96; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****43 CFR Public Land Order 7182**

[AK-931-1430-01; F-031676]

**Partial Revocation of Public Land Order No. 3689; Alaska**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order partially revokes a public land order insofar as it affects 18.85 acres of public and nonpublic land withdrawn for use by the military for the Lakeview Pumping Station. The land is no longer needed for the purpose for which it was withdrawn. A portion of the parcel has been deeded to the State of Alaska and is no longer public land. The remainder of the parcel will continue to be withdrawn as part of the Tetlin National Wildlife Refuge, as established and designated by the Alaska National Interest Lands Conservation Act. This action is for record clearing purposes only.

**EFFECTIVE DATE:** February 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** Shirley J. Macke, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Public Land Order No. 3689, which withdrew public land for use by the Department of the Army for the

Lakeview Pumping Station, is hereby revoked insofar as it affects the following described land:

**Copper River Meridian**

Located within secs. 28 and 33 of T. 14 N., R. 20 E., currently described as:

U.S. Survey No. 4360, which contains 16.35 acres; and

U.S. Survey No. 2784, lot 1, which contains 2.50 acres.

The areas described contain a total of 18.85 acres.

2. Any of the land described in this order that is part of the Tetlin National Wildlife Refuge will continue to be withdrawn pursuant to Sections 302(8) and 304(c) of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 668(dd) (1988), and will continue to be subject to the terms and conditions of any other withdrawal or segregation of record.

3. Any public land affected by this order that may be outside of the Tetlin National Wildlife Refuge will remain withdrawn from all forms of entry, appropriation, or disposal under the public land laws until a further opening order is published.

Dated: January 26, 1996.

Bob Armstrong,

*Assistant Secretary of the Interior.*

[FR Doc. 96-2385 Filed 2-5-96; 8:45 am]

BILLING CODE 4310-JA-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 0, 1, 17, 21, 22, 23, 24, 25, 73, 74, 78, 80, 87, 90, 94, 95, and 97**

[WT Docket No. 95-5, FCC 95-473]

**Streamlining the Antenna Structure Clearance Procedure and Revision of the Rules Concerning Construction, Marking, and Lighting of Antenna Structures**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final Rule.

**SUMMARY:** The Commission has adopted a Report and Order to streamline the Commission's antenna structure clearance process by instituting a uniform registration process for structure owners, revise the current antenna structure painting and lighting requirements in keeping with updated recommendations by the Federal Aviation Administration (FAA), and make antenna structure owners primarily responsible for antenna structures that require painting and/or lighting. These amendments reduce the number of Commission filings, expedite the processing of authorizations involving FAA coordination, and clarify rules concerning the painting and lighting of antenna structures.

**DATES:** These regulations are effective March 7, 1996. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 7, 1996. Written comments by the public on the proposed and/or modified information collections are due March 7, 1996. Written comments must be submitted by the Office of Management and Budget (OMB) on the

information collections on or before April 8, 1996.

**ADDRESSES:** A copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, room 234, 1919 M Street NW., Washington, DC 20554, or via the Internet to [dconway@fcc.gov](mailto:dconway@fcc.gov), and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 17th Street NW., Washington, DC 20503 or via the Internet to [fain\\_t@al.eop.gov](mailto:fain_t@al.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Roger Noel of the Wireless Telecommunications Bureau at (202) 418-0680, or Robert Greenberg of the Mass Media Bureau at (202) 418-2720. For additional information concerning the information collections contained in this *Report and Order* contact Dorothy Conway at 202-418-0217, or via the Internet at [dconway@fcc.gov](mailto:dconway@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, adopted November 28, 1995, and released November 30, 1995. The full text of this action is available for inspection and copying during normal business hours in the FCC Reference Center, room 239, 1919 M Street NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

#### Summary of Report and Order

1. In this action, the Commission made three distinct changes to the rules. First, the Commission replaced the current clearance process with a streamlined procedure for registering each antenna structure which requires FAA notification. The registration process requires the antenna structure owner, not the licensees or permittees using the structure, to (1) Register the antenna structure with the Commission, (2) maintain the structure's painting and lighting in accordance with the Commission's Rules, (3) notify the Commission of changes in height, coordinates, ownership, painting, or lighting of the structure, and (4) notify the Commission upon dismantling the structure. This proposed action does not impose a greater net filing burden on the public, but instead decreases the number of entities affected by these requirements.

2. Second, the Commission incorporated by reference the recommendations found in the following two FAA Advisory Circulars: *Obstruction Marking and Lighting* (AC 70/7460-1H) released August, 1991, and *Specification for Obstruction Lighting*

*Equipment* (AC 150/5345-43D) released July, 1988. This change updates the Commission's Rules in light of the FAA's recent air safety recommendations and would grandfather the present painting and lighting requirements of existing structures indefinitely, so long as further FAA coordination is not required. This action serves to streamline the Commission's Rules and increase air safety.

3. Third, the Commission implemented statutory language holding antenna structure owners primarily responsible for compliance with the Commission's painting and lighting requirements. This means that the Commission would first look toward structure owners to ensure that antenna structures are painted and lighted in accordance with the Commission's Rules. In cases where reliance on the owner proves ineffective, the Commission would turn toward the tenant licensees and permittees to ensure that the structure is properly painted and lighted.

4. The rules are set forth at the end of this document.

5. This *Report and Order* is issued under the authority of sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 303(r).

#### Final Regulatory Flexibility Analysis Need and Purpose of This Action

This *Report and Order* seeks to: (1) Reduce the number of filings to the Commission regarding changes to antenna structures, (2) expedite application and notification processing, (3) unify and streamline federal painting and lighting regulations to ease the public and governmental burdens associated with processing certain applications, and (4) increase safety in air navigation.

#### Summary of the Issues Raised by the Public Comments in Response to the Initial Flexibility Analysis

There were no comments submitted in response to the Initial Regulatory Flexibility Analysis.

#### Significant Alternatives Considered

No significant alternative to this action was contained in the *Notice* or suggested by commenters. The action represents the best means to achieve the regulatory objective of minimizing the regulatory burden on the public.

#### Paperwork Reduction Act

This *Report and Order* contains information collections. The Commission, as part of its continuing

effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this *Report and Order*, as required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13. Public and agency comments are due 30 days from date of publication of this *Report and Order* in the Federal Register; OMB comments are due 60 days from date of publication of this *Report and Order* in the Federal Register. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060-0645

Title: Antenna Registration Part 17

Form No: Not applicable

Type of Review: Revision of existing collection

Respondents: Businesses; not-for-profit institutions; state, local or tribal government

Number of Respondents: 14,965

Estimated Time Per Response: .05

Total Annual Burden: 748

**Needs and Uses:** The notification requirement requires those licensees who experience antenna structure lighting outages to notify the FAA of improperly functioning antenna structure lights. This information is used by FAA personnel to assure that aviators are aware of unlit antenna structures that would otherwise cause a hazard to air navigation.

OMB Approval Number: 3060-0645

Title: Antenna Registration Part 17

Form No: Not applicable

Type of Review: Revision of existing collection

Respondents: Businesses; not-for-profit institutions; state, local or tribal government

Number of Respondents: 14,965

Estimated Time Per Response: .25

Total Annual Burden: 3,741

**Needs and Uses:** The recordkeeping requirement requires those licensees who experience problems with the lighting of their antenna structure lighting to keep a record of the malfunction with the station records. This information is used by FCC personnel to ensure that antenna structure lighting systems are properly maintained.

## List of Subjects

*47 CFR Part 0*

Organization and functions  
(Government agencies).

*47 CFR Part 1*

Administrative practice and  
procedure.

*47 CFR Part 17*

Antennas, Aviation safety,  
Communications equipment,  
Incorporation by reference, Radio,  
Reporting and recordkeeping  
requirements.

*47 CFR Part 21*

Communications equipment, Radio,  
Reporting and recordkeeping  
requirements.

*47 CFR Part 22*

Communications equipment, Radio,  
Reporting and recordkeeping  
requirements.

*47 CFR Part 23*

Radio, Reporting and recordkeeping  
requirements.

*47 CFR Part 24*

Radio, Reporting and recordkeeping  
requirements.

*47 CFR Part 25*

Communications equipment, Radio,  
Reporting and recordkeeping  
requirements.

*47 CFR Part 73*

Radio broadcasting, Television  
broadcasting.

*47 CFR Part 74*

Radio broadcasting, Television  
broadcasting.

*47 CFR Part 78*

Communications equipment, Radio,  
Reporting and recordkeeping  
requirements.

*47 CFR Part 80*

Communications equipment, Radio,  
Reporting and recordkeeping  
requirements.

*47 CFR Part 87*

Communications equipment, Radio,  
Reporting and recordkeeping  
requirements.

*47 CFR Part 90*

Communications equipment, Radio,  
Reporting and recordkeeping  
requirements.

*47 CFR Part 94*

Communications equipment, Radio,  
Reporting and recordkeeping  
requirements.

*47 CFR Part 95*

Communications equipment, Radio,  
Reporting and recordkeeping  
requirements.

*47 CFR Part 97*

Communications equipment, Radio,  
Reporting and recordkeeping  
requirements.

Federal Communications Commission.  
William F. Caton,  
*Acting Secretary.*

## Final Rules

Parts 0, 1, 17, 21, 22, 23, 24, 25, 73,  
74, 78, 80, 87, 90, 94, 95, and 97 of Title  
47 of the Code of Federal Regulations  
are amended as follows:

## I.

**PART 0—COMMISSION  
ORGANIZATION**

1. The authority citation for Part 0  
continues to read as follows:

Authority: Secs. 5, 48 Stat. 1068, as  
amended; 47 U.S.C. 155, 225, unless  
otherwise noted.

2. Section 0.131 is amended by  
revising paragraph (j) to read as follows:

**§ 0.131 Functions of the Bureau.**

\* \* \* \* \*

(j) Administers the Commission's  
commercial radio operator program  
(Part 13 of this chapter) and the  
Commission's program for registration,  
construction, marking and lighting of  
antenna structures (Part 17 of this  
chapter).

\* \* \* \* \*

## II.

**PART 1—PRACTICE AND  
PROCEDURE**

3. The authority citation for Part 1  
continues to read as follows:

Authority: 47 U.S.C. 154, 303, 503(b)(5); 5  
U.S.C. 552, 21 U.S.C. 853a, unless otherwise  
noted.

4. Section 1.61 is amended by revising  
paragraphs (a) and (b), removing  
paragraphs (c), (d), (e), and (f),  
redesignating paragraph (g) as paragraph  
(c) and revising its introductory  
paragraph to read as follows:

**§ 1.61 Procedures for handling  
applications requiring special aeronautical  
study.**

(a) Antenna Structure Registration is  
conducted by the Wireless  
Telecommunications Bureau as follows:

(1) Each antenna structure owner that  
must notify the FAA of proposed  
construction using FAA Form 7460–1  
shall, upon proposing new or modified  
construction, register that antenna  
structure with the Wireless

Telecommunications Bureau using FCC  
Form 854.

(2) If an Environmental Assessment is  
required under § 1.1307, the Bureau will  
address the environmental concerns  
prior to processing the registration.

(3) If a final FAA determination of  
“no hazard” is not submitted along with  
FCC Form 854, processing of the  
registration may be delayed or  
disapproved.

(4) If the owner of the antenna  
structure cannot file FCC Form 854  
because it is subject to a denial of  
federal benefits under the Anti-Drug  
Abuse Act of 1988, 21 U.S.C. 862, the  
first licensee authorized to locate on the  
structure must register the structure  
using FCC Form 854, and provide a  
copy of the Antenna Structure  
Registration (FCC Form 854R) to the  
owner. The owner remains responsible  
for providing a copy of FCC Form 854R  
to all tenant licensees on the structure  
and for posting the registration number  
as required by § 17.4(g) of this chapter.

(5) Upon receipt of FCC Form 854,  
and attached final FAA determination of  
“no hazard,” the Bureau prescribes  
antenna structure painting and/or  
lighting specifications or other  
conditions in accordance with the FAA  
airspace recommendation and returns a  
completed Antenna Structure  
Registration (FCC Form 854R) to the  
registrant. If the proposed structure is  
disapproved the registrant is so advised.

(b) Each operating Bureau or Office  
examines the applications for  
Commission authorization for which it  
is responsible to ensure compliance  
with FAA notification procedures as  
well as Commission Antenna Structure  
Registration as follows:

(1) If Antenna Structure Registration  
is required, the operating Bureau  
reviews the application for the Antenna  
Structure Registration Number and  
proceeds as follows:

(i) If the application contains the  
Antenna Structure Registration Number  
or if the applicant seeks a Cellular or  
PCS system authorization, the operating  
Bureau processes the application.

(ii) If the application does not contain  
the Antenna Structure Registration  
Number, but the structure owner has  
already filed FCC Form 854, the  
operating Bureau places the application  
on hold until Registration can be  
confirmed, so long as the owner exhibits  
due diligence in filing.

(iii) If the application does not  
contain the Antenna Structure  
Registration Number, and the structure

owner has not filed FCC Form 854, the operating Bureau notifies the applicant that FCC Form 854 must be filed and places the application on hold until Registration can be confirmed, so long as the owner exhibits due diligence in filing.

(2) If Antenna Structure Registration is not required, the operating Bureau processes the application.

(c) Where one or more antenna farm areas have been designated for a community or communities (see § 17.9 of this chapter), an application proposing the erection of an antenna structure over 1,000 feet in height above ground to serve such community or communities will not be accepted for filing unless:

\* \* \* \* \*

### III.

## PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

5. The authority citation for Part 17 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 309, 48 Stat. 1081, 1085 as amended; 47 U.S.C. 301, 309.

6. Section 17.1 is revised to read as follows:

### § 17.1 Basis and purpose.

(a) The rules in this part are issued pursuant to the authority contained in Title III of the Communications Act of 1934, as amended, which vest authority in the Federal Communications Commission to issue licenses to radio stations when it is found that the public interest, convenience, and necessity would be served thereby, and to require the painting, and/or illumination of antenna structures if and when in its judgment such structures constitute, or there is reasonable possibility that they may constitute, a menace to air navigation.

(b) The purpose of this part is to prescribe certain procedures for antenna structure registration and standards with respect to the Commission's consideration of proposed antenna structures which will serve as a guide to antenna structure owners. The standards are referenced from two Federal Aviation Administration (FAA) Advisory Circulars.

7. Section 17.2 is amended by revising paragraph (a) and adding new paragraphs (c) and (d) to read as follows:

### § 17.2 Definitions.

(a) *Antenna structure.* The term antenna structure includes the radiating and/or receive system, its supporting

structures and any appurtenances mounted thereon.

\* \* \* \* \*

(c) *Antenna structure owner.* For the purposes of this part, an antenna structure owner is the individual or entity vested with ownership, equitable ownership, dominion, or title to the antenna structure. Notwithstanding any agreements made between the owner and any entity designated by the owner to maintain the antenna structure, the owner is ultimately responsible for compliance with the requirements of this part.

(d) *Antenna structure registration number.* A unique number, issued by the Commission during the registration process, which identifies an antenna structure. Once obtained, this number must be used in all filings related to this structure.

8. Section 17.4 is revised to read as follows:

### § 17.4 Antenna structure registration.

(a) Effective July 1, 1996, the owner of any proposed or existing antenna structure that requires notice of proposed construction to the Federal Aviation Administration must register the structure with the Commission. This includes those structures used as part of stations licensed by the Commission for the transmission of radio energy, or to be used as part of a cable television head end system. If a Federal Government antenna structure is to be used by a Commission licensee, the structure must be registered with the Commission.

(1) For a proposed antenna structure or alteration of an existing antenna structure, the owner must register the structure prior to construction or alteration.

(2) For an existing antenna structure that had been assigned painting or lighting requirements prior to July 1, 1996, the owner must register the structure prior to July 1, 1998.

(3) For a structure that did not originally fall under the definition of "antenna structure," the owner must register the structure prior to hosting a Commission licensee.

(b) Except as provided in paragraph (e) of this section, each owner must file FCC Form 854 with the Commission. Additionally, each owner of a proposed structure referred to in paragraphs (a)(1) or (a)(3) of this section must submit a valid FAA determination of "no hazard." In order to be considered valid by the Commission, the FAA determination of "no hazard" must not have expired prior to the date on which FCC Form 854 is received by the Commission. The height of the structure

will include the highest point of the structure including any obstruction lighting or lighting arrester.

(c) If an Environmental Assessment is required under § 1.1307 of this chapter, the Bureau will address the environmental concerns prior to processing the registration.

(d) If a final FAA determination of "no hazard" is not submitted along with FCC Form 854, processing of the registration may be delayed or disapproved.

(e) If the owner of the antenna structure cannot file FCC Form 854 because it is subject to a denial of federal benefits under the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862, the first tenant licensee authorized to locate on the structure (excluding tenants that no longer occupy the structure) must register the structure using FCC Form 854, and provide a copy of the Antenna Structure Registration (FCC Form 854R) to the owner. The owner remains responsible for providing a copy of FCC Form 854R to all tenant licensees on the structure and for posting the registration number as required by paragraph (g) of this section.

(f) The Commission shall issue, to the registrant, FCC Form 854R, Antenna Structure Registration, which assigns a unique Antenna Structure Registration Number. The structure owner shall immediately provide a copy of Form 854R to each tenant licensee and permittee.

(g) Except as described in paragraph (h) of this section, the Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure. Materials used to display the Antenna Structure Registration Number must be weather-resistant and of sufficient size to be easily seen at the base of the antenna structure.

(h) The owner is not required to post the Antenna Structure Registration Number in cases where a federal, state, or local government entity provides written notice to the owner that such a posting would detract from the appearance of a historic landmark. In this case, the owner must make the Antenna Structure Registration Number available to representatives of the Commission, the FAA, and the general public upon reasonable demand.

9. A new section 17.5 is added to Subpart A to read as follows:

### § 17.5 Commission consideration of applications for station authorization.

(a) Applications for station authorization, excluding services authorized on a geographic basis, are

reviewed to determine whether there is a requirement that the antenna structure in question must be registered with the Commission.

(b) If registration is required, the registrant must supply the structure's registration number upon request by the Commission.

(c) If registration is not required, the application for authorization will be processed without further regard to this chapter.

10. A new section 17.6 is added to Subpart A to read as follows:

**§ 17.6 Responsibility of Commission licensees and permittees.**

(a) The antenna structure owner is responsible for maintaining the painting and lighting in accordance with this part. However, if a licensee or permittee authorized on an antenna structure is aware that the structure is not being maintained in accordance with the specifications set forth on the Antenna Structure Registration (FCC Form 854R) or the requirements of this part, or otherwise has reason to question whether the antenna structure owner is carrying out its responsibility under this part, the licensee or permittee must take immediate steps to ensure that the antenna structure is brought into compliance and remains in compliance. The licensee must:

(1) Immediately notify the structure owner;

(2) Immediately notify the site management company (if applicable);

(3) Immediately notify the Commission; and,

(4) Make a diligent effort to immediately bring the structure into compliance.

(b) In the event of non-compliance by the antenna structure owner, the Commission may require each licensee and permittee authorized on an antenna structure to maintain the structure, for an indefinite period, in accordance with the Antenna Structure Registration (FCC Form 854R) and the requirements of this part.

(c) If the owner of the antenna structure cannot file FCC Form 854 because it is subject to a denial of federal benefits under the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862, the first licensee authorized to locate on the structure must register the structure using FCC Form 854, and provide a copy of the Antenna Structure Registration (FCC Form 854R) to the owner. The owner remains responsible for providing a copy of FCC Form 854R to all tenant licensees on the structure and for posting the registration number as required by § 17.4(g).

11. Subpart B is amended by revising its heading to read as follows:

**Subpart B—Federal Aviation Administration Notification Criteria**

12. Section 17.10 is amended by revising the introductory paragraph to read as follows:

**§ 17.10 Antenna structures over 304.80 meters (1,000 feet) in height.**

Where one or more antenna farm areas have been designated for a community or communities (see § 17.9), the Commission will not accept for filing an application to construct a new station or to increase height or change antenna location of an existing station proposing the erection of an antenna structure over 304.80 meters (1,000 feet) above ground unless:

\* \* \* \* \*

13. Section 17.14 is amended by revising the first sentence in paragraph (a) to read as follows:

**§ 17.14 Certain antenna structures exempt from notification to the FAA.**

\* \* \* \* \*

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, *and* would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. \* \* \*

\* \* \* \* \*

14. Section 17.17 is amended by revising paragraph (a) to read as follows:

**§ 17.17 Existing structures.**

(a) The requirements found in § 17.23 relating to painting and lighting of antenna structures shall not apply to those structures authorized prior to July 1, 1996. Previously authorized structures may retain their present painting and lighting specifications, so long as the overall structure height or site coordinates do not change. The Antenna Structure Registration requirements found in § 17.5, however, shall apply to all antenna structures that have been assigned painting or lighting requirements by the Commission, regardless of prior authorization.

\* \* \* \* \*

15. Section 17.22 is amended by revising the first sentence to read as follows:

**§ 17.22 Particular specifications to be used.**

Whenever painting or lighting is required, the Commission will generally assign specifications in accordance with

the FAA Advisory Circulars referenced in § 17.23.\* \* \*

16. Section 17.23 is revised to read as follows:

**§ 17.23 Specifications for painting and lighting antenna structures.**

Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after July 1, 1996, must conform to the FAA's painting and lighting recommendations set forth on the structure's FAA determination of "no hazard," as referenced in the following FAA Advisory Circulars: AC 70/7460-1H, "Obstruction Marking and Lighting," August 1, 1991, as amended by Change 2, July 15, 1992, and AC 150/5345-43D, "Specification for Obstruction Lighting Equipment," July 15, 1988. These documents are incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The documents contain FAA recommendations for painting and lighting structures which pose a potential hazard to air navigation. For purposes of this part, the specifications, standards, and general requirements stated in these documents are mandatory. The Advisory Circulars listed above are available for inspection at the Commission Headquarters in Washington, DC, 2025 M Street NW., room 8112, or at the Office of the Federal Register, 800 North Capitol Street, NW., room 700, Washington, DC., or may be obtained from Department of Transportation, Utilization and Storage Section (Publications), M443.2, 400 7th Street SW, Washington, DC 20590, telephone (202) 366-0039 or (202) 366-0451.

**§§ 17.24 through 17.43 [Removed and reserved]**

17. Sections 17.24 through 17.43 are removed and reserved.

18. Section 17.47 is revised to read as follows:

**§ 17.47 Inspection of antenna structure lights and associated control equipment.**

The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part:

(a)(1) Shall make an observation of the antenna structure's lights at least once each 24 hours either visually or by observing an automatic properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively,

(2) Shall provide and properly maintain an automatic alarm system

designed to detect any failure of such lights and to provide indication of such failure to the owner.

(b) Shall inspect at intervals not to exceed 3 months all automatic or mechanical control devices, indicators, and alarm systems associated with the antenna structure lighting to insure that such apparatus is functioning properly.

19. Section 17.48 is amended by revising the introductory paragraph and the second sentence in paragraph (a) to read as follows:

**§ 17.48 Notification of extinguishment or improper functioning of lights.**

The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part:

(a) \* \* \* Such reports shall set forth the condition of the light or lights, the circumstances which caused the failure, the probable date for restoration of service, the FCC Antenna Structure Registration Number, the height of the structure (AGL and AMSL if known) and the name, title, address, and telephone number of the person making the report. \* \* \*

\* \* \* \* \*

20. Section 17.49 is amended by revising the section heading, the introductory paragraph, and paragraph (c) and adding a new paragraph (d) to read as follows:

**§ 17.49 Recording of antenna structure light inspections in the owner record.**

The owner of each antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part must maintain a record of any observed or otherwise known extinguishment or improper functioning of a structure light and include the following information for each such event:

\* \* \* \* \*

(c) Date and time of FAA notification, if applicable.

(d) The date, time and nature of adjustments, repairs, or replacements made.

21. Section 17.50 is revised to read as follows:

**§ 17.50 Cleaning and repainting.**

Antenna structures requiring painting under this part shall be cleaned or repainted as often as necessary to maintain good visibility.

22. Section 17.51 is amended by revising paragraph (b) to read as follows:

**§ 17.51 Time when lights should be exhibited.**

\* \* \* \* \*

(b) All high intensity and medium intensity obstruction lighting shall be exhibited continuously unless otherwise specified.

23. Section 17.57 is revised to read as follows:

**§ 17.57 Report of radio transmitting antenna construction, alteration, and/or removal.**

The owner of an antenna structure for which an Antenna Structure Registration Number has been obtained must notify the Commission within 24 hours of completion of construction (FCC Form 854-R) and/or dismantlement (FCC Form 854). The owner must also immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information.

IV.

**PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES**

24. The authority citation for Part 21 continues to read as follows:

Authority: Secs. 1, 2, 4, 201–205, 208, 215, 218, 303, 307, 313, 403, 404, 410, 602, 48 Stat. as amended, 1064, 1066, 1070–1073, 1076, 1077, 1080, 1082, 1083, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 154, 201–205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 602; 47 U.S.C. 552, 554.

25. Section 21.11 is amended by adding a new paragraph (g) to read as follows:

**§ 21.11 Miscellaneous forms shared by all domestic public radio services.**

\* \* \* \* \*

(g) *Antenna Structure Registration.* FCC Form 854 (Application for Antenna Structure Registration) accompanied by a final Federal Aviation Administration (FAA) determination of “no hazard” must be filed by the antenna structure owner to receive an antenna structure registration number. Criteria used to determine whether FAA notification and registration is required for a particular antenna structure are contained in Part 17 of this chapter.

26. Section 21.15 is amended by revising paragraph (d), redesignating paragraphs (e), (f), and (g) as (f), (g), and (h), respectively, and adding a new paragraph (e), to read as follows:

**§ 21.15 Technical content of applications.**

\* \* \* \* \*

(d) *FAA notification.* Before the construction of a new antenna structure or alteration in the height of an existing structure (including a receive-only or passive repeater) is authorized by the FCC, a Federal Aviation Administration (FAA) determination of “no hazard” may be required. To apply for this

determination, antenna structure owners must notify the FAA of the planned construction. Criteria used to determine whether FAA notification is required for a particular antenna structure are contained in part 17 of this chapter. Applications proposing construction of a new antenna structure or alteration of the overall height of an existing antenna structure, where FAA notification prior to such construction or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the reason is obvious (e.g., structure height is less than 6.1 meters AGL) must state why FAA notification is *not* required. See also § 21.111 if the structure is used by more than one station.

(e) *Antenna Structure Registration Number.* Applications proposing construction of a new antenna structure or alteration of the overall height of an existing antenna structure, where FAA notification prior to such construction or alteration is required by part 17 of this chapter, must include the FCC Antenna Structure Registration Number for the affected structure. If no such number has been assigned at the time the application is filed, the applicant must state in the application whether or not the antenna structure owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with Part 17 of this chapter of this structure for the antenna structure in question.

\* \* \* \* \*

27. Section 21.41 is amended by revising paragraph (c)(3) to read as follows:

**§ 21.41 Special processing of applications for minor facility modifications.**

\* \* \* \* \*

(c) \* \* \*

(3) Changes in the geographical coordinates of a transmit station, receive station or passive facility by ten seconds or less of latitude, longitude or both, provided that when notice to the FAA of proposed construction is required by part 17 of this chapter for the antenna structure at the previously authorized coordinates (or will be required at the new location) the applicant must comply with the provisions of § 21.15(e).

\* \* \* \* \*

28. Section 21.42 is amended by revising paragraph (c)(6) to read as follows:

**§ 21.42 Certain modifications not requiring prior authorization.**

\* \* \* \* \*

(c) \* \* \*



(6) Decreases in the overall height of an antenna structure, provided that, when notice to the FAA of proposed construction was required by part 17 of this chapter for the antenna structure at the previously authorized height, the applicant must comply with the provisions of § 21.15 (d) and (e).

\* \* \* \* \*

29. Section 21.111 is revised to read as follows:

**§ 21.111 Use of common antenna structure.**

The simultaneous use of a common antenna structure by more than one station authorized under this part, or by one or more stations of any other service may be authorized. The owner, however, of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall install and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

30. Section 21.112 is revised to read as follows:

**§ 21.112 Marking of antenna structures.**

No owner, conditional licensee, or licensee of an antenna structure for which obstruction marking or lighting is required and for which an antenna structure registration number has been obtained, shall discontinue the required painting or lighting without having obtained prior written authorization therefor from the Commission. (For complete regulations relative to antenna marking requirements, see part 17 of this chapter.)

31. Section 21.117 is amended by revising paragraph (b) to read as follows:

**§ 21.117 Transmitter location.**

\* \* \* \* \*

(b) The owner of the antenna structure should locate and construct such structure as to avoid making them hazardous to air navigation. (See part 17 of this chapter for provisions relating to antenna structures.) Such installation shall be maintained in good structural condition together with any required painting or lighting.

V.

**PART 22—PUBLIC MOBILE SERVICES**

32. The authority citation for Part 22 continues to read as follows:

Authority: 47 U.S.C. 154, 303, unless otherwise noted.

33. Section 22.115 is amended by revising paragraphs (a)(2) and (a)(3) to read as follows:

**§ 22.115 Content of applications.**

\* \* \* \* \*

(a) \* \* \*

(2) *Antenna structure registration.*

Applications proposing the use of one or more new or existing antenna structures must contain the FCC Antenna Structure Registration Number, if assigned, of each such antenna structure for which Federal Aviation Administration (FAA) notification is or was required by part 17 of this chapter prior to its construction. If, at the time an application is filed, an FCC Antenna Structure Registration Number has not been assigned for any such antenna structure, the applicant must indicate in the application whether or not, as of the date the application is filed, the antenna structure owner has registered the antenna structure with the FCC in accordance with part 17 of this chapter.

(3) *FAA notification.* Before constructing a new antenna structure or increasing the height of an existing structure, an antenna structure owner may be required to obtain an FAA determination of No Hazard to Air Navigation. To obtain this determination, the FAA must be notified of the planned construction or alteration. Criteria used to determine whether FAA notification is required for any particular antenna structure are contained in part 17 of this chapter.

(i) Applications proposing to use a new antenna structure or an existing antenna structure for which the height is increased must indicate whether FAA notification is required by part 17 of this chapter.

(ii) If FAA notification is required by part 17 of this chapter, a copy of the FAA determination should be included in the application. However, if the FAA determination is not available at the time the application is filed, the application must include the following information in regard to the FAA notification: the name of the person that submitted the notification, the date the notification was submitted, and the location of the FAA office to which the notification was submitted.

(iii) If FAA notification is not required by part 17 of this chapter, the application must indicate such and, unless the reason therefor is obvious (e.g. antenna structure height is less than 6.10 meters above ground level), must contain a statement explaining why FAA notification is not required.

\* \* \* \* \*

34. Section 22.365 is revised to read as follows:

**§ 22.365 Antenna structures; air navigation safety.**

Licensees that own their antenna structures must not allow these antenna structures to become a hazard to air navigation. In general, antenna structure owners are responsible for registering antenna structures with the FCC if required by part 17 of this chapter, and for installing and maintaining any required marking and lighting. However, in the event of default of this responsibility by an antenna structure owner, each FCC permittee or licensee authorized to use an affected antenna structure will be held responsible by the FCC for ensuring that the antenna structure continues to meet the requirements of part 17 of this chapter. See § 17.6 of this chapter.

(a) *Marking and lighting.* Antenna structures must be marked, lighted and maintained in accordance with Part 17 of this chapter and all applicable rules and requirements of the Federal Aviation Administration.

(b) *Maintenance contracts.* Antenna structure owners (or licensees and permittees, in the event of default by an antenna structure owner) may enter into contracts with other entities to monitor and carry out necessary maintenance of antenna structures. Antenna structure owners (or licensees and permittees, in the event of default by an antenna structure owner) that make such contractual arrangements continue to be responsible for the maintenance of antenna structures in regard to air navigation safety.

VI.

**PART 23—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES**

35. The authority citation for Part 23 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303. Interpret or apply sec. 301, 48 Stat. 1081; 47 U.S.C. 301.

36. Section 23.28 is amended by adding a new paragraph (c) to read as follows:

**§ 23.28 Special temporary authorization.**

\* \* \* \* \*

(c) Each application proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing antenna structures, where FAA notification prior to such construction or alteration is required by part 17 of this chapter, must include the FCC Antenna Structure Registration

Number(s) for the affected structure(s). If no such number has been assigned at the time the application(s) is filed, the applicant must state in the application whether the owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with part 17 of this chapter. Applications proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing antenna structures, where FAA notification prior to such construction or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the structure is 6.10-meters or less above ground level (AGL), must contain a statement explaining why FAA notification is not required.

37. Section 23.39 is revised to read as follows:

**§ 23.39 Antenna structures.**

(a) *FAA notification.* Before the construction of new antenna structures or alteration in the height of existing antenna structures is authorized by the FCC, a Federal Aviation Administration (FAA) determination of "no hazard" may be required. To apply for this determination, the FAA must be notified of the planned construction. Criteria used to determine whether FAA notification is required for a particular antenna structure are contained in part 17 of this chapter. Applications proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing antenna structures, where FAA notification prior to such construction or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the reason is obvious (e.g. structure height is less than 6.10 meters AGL) must contain a statement explaining why FAA notification is not required.

(b) *Painting and lighting.* The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

(c) *Antenna Structure Registration Number.* Applications proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing

structures, where FAA notification prior to such construction or alteration is required by part 17 of this chapter, must include the FCC Antenna Structure Registration Number(s) for the affected structure(s). If no such number has been assigned at the time the application is filed, the applicant must state in the application whether or not the antenna structure owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with part 17 of this chapter for the antenna structure in question.

38. Section 23.40 is removed and reserved.

**VII.**

**PART 24—PERSONAL COMMUNICATIONS SERVICES**

39. The authority citation for Part 24 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 309, and 332, unless otherwise noted.

40. A new § 24.55 is added to read as follows:

**§ 24.55 Antenna structures; air navigation safety.**

Licenses that own their antenna structures must not allow these antenna structures to become a hazard to air navigation. In general, antenna structure owners are responsible for registering antenna structures with the FCC if required by part 17 of this chapter, and for installing and maintaining any required marking and lighting. However, in the event of default of this responsibility by an antenna structure owner, each FCC permittee or licensee authorized to use an affected antenna structure will be held responsible by the FCC for ensuring that the antenna structure continues to meet the requirements of part 17 of this chapter. See § 17.6 of this chapter.

(a) *Marking and lighting.* Antenna structures must be marked, lighted and maintained in accordance with part 17 of this chapter and all applicable rules and requirements of the Federal Aviation Administration.

(b) *Maintenance contracts.* Antenna structure owners (or licensees and permittees, in the event of default by an antenna structure owner) may enter into contracts with other entities to monitor and carry out necessary maintenance of antenna structures. Antenna structure owners (or licensees and permittees, in the event of default by an antenna structure owner) that make such contractual arrangements continue to be responsible for the maintenance of antenna structures in regard to air navigation safety.

41. Section 24.416 is removed.  
42. Section 24.816 is removed.

**VIII.**

**PART 25—SATELLITE COMMUNICATIONS**

43. The authority citation for Part 25 continues to read as follows:

Authority: Secs. 25.101 to 25.601 issued under Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 101–104, 76 Stat. 419–427; 47 U.S.C. 701–744; 47 U.S.C. 554.

44. Section 25.113 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (f), and adding new paragraphs (d) and (e) to read as follows:

**§ 25.113 Construction permits.**

\* \* \* \* \*

(c) *FAA notification.* Before the construction of new antenna structures or alteration in the height of existing antenna structures is authorized by the FCC, a Federal Aviation Administration (FAA) determination of "no hazard" may be required. To apply for this determination, the FAA must be notified of the planned construction. Criteria used to determine whether FAA notification is required for a particular antenna structure are contained in part 17 of this chapter. Applications proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing antenna structures, where FAA notification prior to such construction or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the reason is obvious (e.g. structure height is less than 6.10 meters AGL) must contain a statement explaining why FAA notification is not required.

(d) *Painting and lighting.* The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

(e) *Antenna Structure Registration Number.* Applications proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing structures, where FAA notification prior to such construction or alteration is required by part 17 of this chapter, must

include the FCC Antenna Structure Registration Number(s) for the affected structure(s). If no such number has been assigned at the time the application is filed, the applicant must state in the application whether or not the antenna structure owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with part 17 of this chapter for the antenna structure in question.

\* \* \* \* \*

45. Section 25.119 is amended by adding a new paragraph (c) to read as follows:

**§ 25.119 Application for special temporary authorization.**

\* \* \* \* \*

(c) Each application proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antenna structures, where FAA notification prior to such construction or alteration is required by part 17 of this chapter, must include the FCC Antenna Structure Registration Number(s) for the affected satellite earth station antenna(s). If no such number has been assigned at the time the application(s) is filed, the applicant must state in the application whether the satellite earth station antenna owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with part 17 of this chapter. Applications proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antennas, where FAA notification prior to such construction or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the satellite earth station antenna is 6.10 meters or less above ground level (AGL), must contain a statement explaining why FAA notification is not required.

46. Section 25.130 is amended by adding a new paragraph (e) to read as follows:

**§ 25.130 Filing requirements for transmitting earth stations.**

\* \* \* \* \*

(e) Each application proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antennas, where FAA notification prior to such construction or alteration is required by part 17 of this chapter, must include the FCC Antenna Structure Registration Number(s) for the affected satellite earth

station antenna(s). If no such number has been assigned at the time the application(s) is filed, the applicant must state in the application whether the satellite earth station antenna owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an antenna Structure Registration Number in accordance with part 17 of this chapter. Applications proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antennas, where FAA notification prior to such construction or notification or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the satellite earth station antenna is 6.10 meters or less above ground level (AGL), must contain a statement explaining why FAA notification is not required.

47. Section 25.300 is amended by adding paragraph (h) to read as follows:

**§ 25.300 Developmental operation.**

\* \* \* \* \*

(h) Each application for developmental operation proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antennas, where FAA notification prior to such construction or alteration is required by part 17 of this chapter, must include the FCC Antenna Structure Registration Number(s) for the affected satellite earth station antenna(s). If no such number has been assigned at the time the application is filed, the applicant must state in the application whether the satellite earth station antenna owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with part 17 of this chapter. Applications proposing construction of one or more earth station antennas or alteration of the overall height of none or more existing earth station antennas, where FAA notification prior to such construction or notification or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the satellite earth station antenna is 6.10 meters or less above ground level (AGL), must contain a statement explaining why FAA notification is not required.

\* \* \* \* \*

IX.

**PART 73—RADIO BROADCAST SERVICES**

48. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334.

49. Section 73.1213 is revised to read as follows:

**§ 73.1213 Antenna structure, marking and lighting.**

(a) The provisions of part 17 of this chapter (Construction, Marking, and Lighting of Antenna Structures), requires certain antenna structures to be painted and/or lighted in accordance with part 17.

(b) The owner of each antenna structure is responsible for ensuring that the structure, if required, is painted and/or illuminated in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be responsible for ensuring that the structure complies with applicable painting and lighting requirements.

50. Section 73.1690 is amended by revising paragraph (b)(1) to read as follows:

**§ 73.1690 Modification of transmission systems.**

\* \* \* \* \*

(b) \* \* \*

(1) Any change in the location, or directional radiation characteristics of a directional antenna system. (See § 73.45 and § 73.150, AM; § 73.316, FM; or § 73.685, TV.)

\* \* \* \* \*

51. Section 73.3533 is amended by adding a new paragraph (c) to read as follows:

**§ 73.3533 Application for construction permit or modification of construction permit.**

\* \* \* \* \*

(c) In each application referred to in paragraph (a) of this section, the applicant will provide the Antenna Structure Registration Number (FCC Form 854R) of the antenna structure upon which it will locate its proposed antenna. In the event the antenna structure does not already have a Registration Number, either the antenna structure owner shall file FCC Form 854 ("Application for Antenna Structure Registration") in accordance with part 17 of this chapter or the applicant shall provide a detailed explanation why registration and clearance of the antenna structure is not necessary.

X.

**PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES**

52. The authority citation for Part 74 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303, 554.

53. Section 74.22 is revised to read as follows:

**§ 74.22 Use of common antenna structure.**

The simultaneous use of a common antenna structure by more than one station authorized under this part, or by one or more stations of any other service may be authorized. The owner of each antenna structure is responsible for ensuring that the structure, if required, is painted and/or illuminated in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be responsible for ensuring that the structure complies with applicable painting and lighting requirements.

54. Section 74.551 is amended by adding a new paragraph (c) to read as follows:

**§ 74.551 Equipment changes.**

\* \* \* \* \*

(c) Any application proposing a change in the height of the antenna structure or its location must also include the Antenna Structure Registration Number (FCC Form 854R) of the antenna structure upon which it will locate its proposed antenna. In the event the antenna structure does not have a Registration Number, either the antenna structure owner shall file FCC Form 854 ("Application for Antenna Structure Registration") in accordance with part 17 of this chapter or the applicant shall provide a detailed explanation why registration and clearance are not necessary.

55. Section 74.651 is amended by adding a new paragraph (d) to read as follows:

**§ 74.651 Equipment changes.**

\* \* \* \* \*

(d) Any application proposing a change in the height of the antenna or its location must also include the Antenna Structure Registration Number (FCC Form 854R) of the antenna structure upon which it will locate its proposed antenna. In the event the antenna structure does not have a Registration Number, either the antenna structure owner shall file FCC Form 854 ("Application for Antenna Structure Registration") in accordance with part 17 of this chapter or the applicant shall provide a detailed explanation why registration and clearance are not necessary.

56. Section 74.1251 is amended by adding a new paragraph (d) to read as follows:

**§ 74.1251 Technical and equipment modifications.**

\* \* \* \* \*

(d) Any application proposing a change in the height of the antenna structure or its location must also include the Antenna Structure Registration Number (FCC Form 854R) of the antenna structure upon which it proposes to locate its antenna. In the event the antenna structure does not have a Registration Number, either the antenna structure owner shall file FCC Form 854 ("Application for Antenna Structure Registration") in accordance with part 17 of this chapter or the applicant shall provide a detailed explanation why registration and clearance are not required.

XII.

**PART 78—CABLE TELEVISION RELAY SERVICE**

57. The authority citation for Part 78 continues to read as follows:

Authority: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

58. Section 78.63 is revised to read as follows:

**§ 78.63 Antenna structure marking and lighting.**

The owner of each antenna structure is responsible for ensuring that the structure, if required, is painted and/or illuminated in accordance with part 17 of this chapter. In the event of default by the owner, each licensee shall be responsible for ensuring that the structure complies with applicable painting and lighting requirements.

59. Section 78.109 is amended by removing paragraph (a)(3), redesignating paragraphs (a)(4), (a)(5), (a)(6), (a)(7), and (a)(8) as (a)(3), (a)(4), (a)(5), (a)(6), and (a)(7) respectively, and adding a new paragraph (c) to read as follows:

**§ 78.109 Equipment changes.**

\* \* \* \* \*

(c) Any application proposing a change in the height of the antenna structure or its location shall include the Antenna Structure Registration Number (FCC Form 854R) of the structure upon which it proposes to locate its antenna. In the event the antenna structure does not have a Registration Number, the owner of the antenna structure shall file an FCC Form 854 ("Application for Antenna Structure Registration") in accordance with part 17 of this chapter or the applicant shall provide a detailed explanation as to why registration and clearance are not required.

XII.

**PART 80—STATIONS IN THE MARITIME SERVICES**

60. The authority citation for Part 80 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

61. Section 80.110 is revised to read as follows:

**§ 80.110 Inspection and maintenance of antenna structure markings and associated control equipment.**

The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

XIII.

**PART 87—AVIATION SERVICES**

62. The authority citation for Part 87 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–156, 301–609.

63. Section 87.75 is revised to read as follows:

**§ 87.75 Maintenance of antenna structure marking and control equipment.**

The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

XIV.

**PART 90—PRIVATE LAND MOBILE RADIO SERVICES**

64. The authority citation for Part 90 continues to read as follows:

Authority: Sections 4, 303, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 332, unless otherwise noted.

65. Section 90.441 is revised to read as follows:

**§ 90.441 Inspection and maintenance of antenna structure marking and associated control equipment.**

The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

66. Section 90.443 is amended by removing paragraph (c) and redesignating paragraphs (d) and (e) as paragraphs (c) and (d), respectively.

XV.

**PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE**

67. The authority citation for Part 94 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303 and 332, unless otherwise noted.

68. Section 94.111 is amended by revising the section heading and introductory paragraph to read as follows:

**§ 94.111 Inspection and maintenance of antenna structure marking and associated control equipment.**

The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

69. Section 94.113 is removed.

XVI.

**PART 95—PERSONAL RADIO SERVICES**

70. The authority citation for Part 95 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C 154, 303, unless otherwise noted.

71. Section 95.83 is amended by adding a new paragraph (a)(3) to read as follows:

**§ 95.83 Additional information for stations with antennas higher than normally allowed.**

(a) \* \* \*  
(3) Register the structure by submitting FCC Form 854. The requirements for antenna structure registration, painting, and lighting are found in part 17 of this chapter.

\* \* \* \* \*

XVII.

**PART 97—AMATEUR RADIO SERVICE**

72. The authority citation for Part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 201–609, unless otherwise noted.

73. Section 97.15 is amended by revising paragraph (d) to read as follows:

**§ 97.15 Station antenna structures.**

\* \* \* \* \*

(d) Further details as to whether an aeronautical study is required or if the structure must be registered, painted, or lighted are contained in part 17 of this chapter, Construction, Marking, and Lighting of Antenna Structures. To request approval to place an antenna structure higher than the limits specified in paragraphs (a), (b), and (c) of this section, the licensee must notify the FAA using FAA Form 7460–1 and the structure owner must register the structure using FCC Form 854.

\* \* \* \* \*

[FR Doc. 96–1975 Filed 2–5–96; 8:45 am]

BILLING CODE 6712–01–P

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 531**

[Docket No. 95–51; Notice 2]

**Passenger Automobile Average Fuel Economy Standards; Final Decision**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Final rule; granting an exemption from average fuel economy standard and establishing an alternative standard.

**SUMMARY:** This decision is issued in response to a petition filed by Rolls-

Royce Motors, Ltd. (Rolls-Royce) requesting that it be exempted from the generally applicable average fuel economy standard of 27.5 miles per gallon (mpg) for its model year (MY) 1997 passenger automobiles, and that lower alternative standards be established for it. This decision exempts Rolls-Royce and establishes an alternative standard of 15.1 mpg for MY 1997 for Rolls-Royce.

**DATES:** *Effective date:* March 22, 1996. This exemption and the alternative standards apply to Rolls-Royce for MY 1997.

*Petitions for reconsideration:* Petitions for reconsideration must be received no later than March 22, 1996.

**ADDRESSES:** Petitions for reconsideration of this rule should refer to the docket number and notice number cited in the heading of this notice and must be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Ms. Henrietta Spinner, Office of Market Incentives, NHTSA, 400 Seventh Street, SW, Washington DC 20590. Ms. Spinner's telephone number is: (202) 366–0846.

**SUPPLEMENTARY INFORMATION:**

**Background**

NHTSA is exempting Rolls-Royce from the generally applicable average fuel economy standard for 1997 model year (MY) passenger automobiles and establishing alternative standards applicable to Rolls-Royce for each of these model years. This exemption is issued under the authority of section 32902(d) of Chapter 329 of Title 49 of the United States Code (formerly section 502(c) of the Motor Vehicle Information and Cost Savings Act)(49 U.S.C. 32902(d)). Section 32902(d) provides that NHTSA may exempt a low volume manufacturer of passenger automobiles from the generally applicable average fuel economy standards for passenger automobiles if the agency concludes that those standards are more stringent than the maximum feasible average fuel economy for that manufacturer and establishes an alternative standard for that manufacturer at its maximum feasible level. Under the Act, a low volume manufacturer is one that manufactured (worldwide) fewer than 10,000 passenger automobiles in the second model year before the model year for which the exemption is sought (the affected model year) and that will manufacture fewer than 10,000 passenger automobiles in the affected model year. In determining maximum

feasible average fuel economy, the agency is required by section 32902(f) of the Act to consider:

- (1) Technological feasibility;
- (2) Economic practicability;
- (3) The effect of other Federal motor vehicle standards on fuel economy; and
- (4) The need of the Nation to conserve energy.

#### Proposed Decision and Public Comment

This final decision was preceded by a proposal announcing the agency's tentative conclusion that Rolls-Royce should be exempted from the generally applicable MY 1997 passenger automobile average fuel economy standard of 27.5 mpg, and that an alternative standard of 15.1 mpg be established for Rolls-Royce for that model year (60 FR 37861; July 24, 1995). The agency did not receive any comments in response to the proposed decision.

#### NHTSA Final Determination

Therefore, the agency is adopting the tentative conclusions set forth in the proposed decision as its final conclusions, for the reasons set forth in the proposed decision. Based on the conclusions that the maximum feasible average fuel economy level for Rolls-Royce in MY 1997 is 15.1 mpg, that other Federal motor vehicle standards will not affect achievable fuel economy beyond the extent considered in the proposed decision, and that the national effort to conserve energy will not be affected by granting this exemption, NHTSA hereby exempts Rolls-Royce from the generally applicable passenger automobile average fuel economy standard for the 1997 model year and establishes an alternative standard of 15.1 mpg for Rolls-Royce for that year.

#### Regulatory Impacts

NHTSA has analyzed this decision, and determined that neither Executive Order 12866 nor the Department of Transportation's regulatory policies and procedures apply, because this decision is not a "rule," which term is defined as "an agency statement of general applicability and future effect." This exemption is not generally applicable, since it applies only to Rolls-Royce. If the Departmental policies and procedures were applicable, the agency would have determined that this action is not "significant." The principal impact of this exemption is that Rolls-Royce will not be required to pay civil penalties if it achieves a CAFE level equivalent to the alternative standard established in this notice. Since this decision sets an alternative standard at the level determined to be Rolls-Royce's

maximum feasible average fuel economy, no fuel would be saved by establishing a higher alternative standard. The impacts for the public at large will be minimal.

The agency has also considered the environmental implications of this decision in accordance with the National Environmental Policy Act and determined that this decision will not significantly affect the human environment. Regardless of the fuel economy of a vehicle, it must pass the emissions standards which limit the amount of emissions per mile traveled. Thus, the quality of the air is not affected by this exemption and alternative standard. Further, since Rolls-Royce's MY 1997 automobiles cannot achieve better fuel economy than 15.1 mpg, granting this exemption will not affect the amount of gasoline consumed.

Since the Regulatory Flexibility Act may apply to a decision exempting a manufacturer from a generally applicable standard, I certify that this decision will not have a significant economic impact on a substantial number of small entities. This decision does not impose any burdens on Rolls-Royce. It relieves the company from having to pay civil penalties for noncompliance with the generally applicable standard for MY 1997. Since the price of 1997 Rolls-Royce automobiles will not be affected by this decision, the purchasers will not be affected.

#### List of Subjects in 49 CFR Part 531

Energy conservation, Gasoline, Imports, Motor vehicles.

In consideration of the foregoing, 49 CFR part 531 is amended to read as follows:

#### PART 531—[AMENDED]

1. The authority citation for part 531 continues to read as follows:

Authority: 49 U.S.C. 32902, delegation of authority at 49 CFR 1.50.

2. In 49 CFR 531.5, the introductory text of paragraph (b) is republished and paragraph (b)(2) is revised to read as follows:

#### § 531.5 Fuel economy standards.

\* \* \* \* \*

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

\* \* \* \* \*

(2) Rolls-Royce Motors, Inc.

Model year	Average fuel economy standard (miles per gallon)
1978 .....	10.7
1979 .....	10.8
1980 .....	11.1
1981 .....	10.7
1982 .....	10.6
1983 .....	9.9
1984 .....	10.0
1985 .....	10.0
1986 .....	11.0
1987 .....	11.2
1988 .....	11.2
1989 .....	11.2
1990 .....	12.7
1991 .....	12.7
1992 .....	13.8
1993 .....	13.8
1994 .....	13.8
1995 .....	14.6
1996 .....	14.6
1997 .....	15.1

\* \* \* \* \*

Issued on: January 30, 1996.

Barry Felrice,

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 96-2331 Filed 2-5-96; 8:45 am]

BILLING CODE 4910-59-P

#### 49 CFR Part 571

#### Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Denial of petition for rulemaking.

**SUMMARY:** This document denies the California Highway Patrol's petition to amend Federal Motor Vehicle Safety Standard (FMVSS) 108, Lamps, reflective devices and associated equipment, to include requirements that no visible color other than white be emitted from headlamps at any axis. NHTSA's analysis of the petition concludes that this action would have no effect upon highway safety and would cause many if not all presently complying headlamps to be non-complying.

**FOR FURTHER INFORMATION CONTACT:** Richard L. Van Iderstine, Safety Performance Standards, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Mr. Van Iderstine's telephone number is: (202) 366-5275. His facsimile number is (202) 366-4329.

**SUPPLEMENTARY INFORMATION:** By letter dated May 31, 1995, Lt. R.B. Wineinger, Acting Commander, Hazardous Materials Section, Department of

California Highway Patrol (CHP) petitioned the agency to amend FMVSS 108 to include requirements that no visible color other than white be emitted from headlamps at any axis.

CHP is concerned about the use of "Color-Clear™" headlamps manufactured and recently introduced by Philips Lighting Company ("the Headlamps"). CHP states that, with the Headlamps, the color red is clearly visible when viewing the lamp from off-axis positions. While CHP agrees that this does not approximate the red light emitted from red authorized emergency vehicle (AEV) warning lamps under static test conditions, it is concerned that such lamps could cause confusion under actual driving conditions where sight recognition time is often restricted to very short periods. CHP is also concerned about the potential for misuse or abuse of these lamps among certain segments of the public. CHP states that it does not wish to unduly restrict or burden the manufacturers of lamps and lighting devices, but does believe that any device which displays any amount of red light to the front of motor vehicles may have a negative impact on highway safety.

CHP states that the lamps are also unlawful under California law. California Vehicle Code Section 25950(a) reads, in part, as follows: "The emitted light from all lamps and the reflected light from all reflectors, visible from the front of the vehicle shall be white or yellow." CHP would like to prohibit the use of the Headlamps and any others that perform similarly, but believes that California is prohibited from doing this because FMVSS No. 108 pre-empts California law and the lamps meet the requirements of FMVSS 108.

*Analysis of Petition:* NHTSA personnel have viewed the Headlamps when operating and not operating. On April 26, 1995, Philips Lighting Company demonstrated the Headlamps and presented a report from ETL Testing Laboratories (ETL) that showed that the color of light from the Headlamps is identical to that of standard halogen headlamps. In response to a letter requesting an interpretation of the color requirements of FMVSS No. 108, on May 11, 1995, NHTSA wrote to the manufacturer of the Headlamps and agreed with its conclusion that the Headlamps were designed to conform to the FMVSS No. 108. During the demonstration NHTSA observed that the Headlamps are built with an internal honeycomb structure placed between the reflector and the lens. This honeycomb structure can be colored by the lamp manufacturer, and Philips had

done so with the colors white, black, red and blue. Other colors appear to be feasible.

The structure appears colorless and almost invisible when viewed "on" axis (from straight ahead), whether the lamp is turned on or not. As the ETL test report stated, the structure appears to have no effect on the formation of the beam and the photometric performance. In the "on" state, the preponderance of light emitted is white when viewed with the human eye. At large off-axis angles to the side, some color does appear, and is noticeable when projected on a white screen. In the "off" state, as the off-axis viewing angle increases, the color of the honeycomb structure becomes apparent because of ambient light that enters the lamp and is reflected off the internal colored structure. In thinking about that demonstration, whether on or off, the agency believes that colored light from the Headlamp's internal structure would be less noticeable than colored light reflected off adjacent colored trim, and painted fenders and hoods of motor vehicles. These are permitted to be any color and as a consequence, may reflect any color as may headlamps without the inserted honeycomb structure.

CHP did not show that the Headlamps could cause onlookers to misidentify the vehicle as an AEV or that the Headlamps could somehow be misused to make onlookers misidentify the vehicle as an AEV. Accordingly, NHTSA is not convinced that the Headlamps present any danger to the public from either a highway safety or misrepresentation perspective.

An additional and very compelling issue is that which results from the specific language that CHP has asked to be incorporated in the FMVSS No. 108. CHP wants the lighting standard "to include requirements that no visible color other than white be emitted from headlamps at any axis." This requirement, if implemented, would have the effect of banning almost all headlamps that are manufactured for the U.S. market. This is because of the physics of light transmission through lenses. As light passes through prisms (the fluting patterns on headlamp lenses), the light path is bent to direct the light in directions chosen by the optical engineer. This is done to form the beam for compliance purposes and for achieving a safe highway beam. As the light is refracted in the prism, the light has the tendency to split into its constituent wavelengths, causing visible colors other than white to appear at the edges of the beam. These are rarely seen in the main part of the beam because of the multiples of light rays adding to each other and achieving white light.

Where it can be noticed, however, is at extreme angles where there are large gradients between light and dark areas of the beam. Often red and blue color is visible in these regions. Thus, even headlamps that do not have the special internal features of the Headlamps will emit light in some parts of the beam pattern that is a color other than white. Under the CHP proposed language, most headlamps would be deemed non-complying after a test for emitting only white light.

Finding colors at the periphery of the beam pattern are of no highway safety consequence because the light levels are low, the locations are near the periphery of forward vision, relatively close to the vehicle, and target identification (as opposed to target noticeability) under these circumstances has never been identified as necessary of regulation. There is no safety justification for regulating such performance.

The petitioner believes that California Vehicle Code Section 25950(a) is preempted, and that California is thereby prohibited from enforcing the Code against the Headlamps. Under 49 U.S.C. 30103(b), no State may enact or continue in effect a standard covering the same aspect of performance as a FMVSS unless it is identical to the FMVSS. The purpose of the preemption clause is to relieve the burden on commerce that would ensue were States to have differing safety standards on the same aspect of performance. With respect to the color of headlamps, Section 25950(a) is, on its face, essentially identical to FMVSS No. 108. FMVSS No. 108 specifies white as the color for headlamps, while Section 25950(a) states that "[t]he emitted light from all lamps \* \* \* visible from the front of the vehicle shall be white \* \* \*." However, Section 25950(a), as interpreted by California, is not identical to FMVSS No. 108. While the Headlamps are white and thus meet the color requirement of FMVSS No. 108, they are regarded by California as failing to meet its requirement. The preemption clause requires State standards be identical not only on their face but also as interpreted. Thus, NHTSA concurs with California's conclusion that the preemption clause prohibits that State from prohibiting use of the Headlamps because of their color.

In accordance with 49 CFR part 552, this completes the agency's review of the petition. The agency has concluded that there is no reasonable possibility that the amendment requested by the petitioner would be issued at the conclusion of the rulemaking proceeding. Accordingly, it denies the CHP petition.



Authority: 49 U.S.C. 30103, 30111 30162; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 1, 1996.

Barry Felrice,

Associate Administrator for Safety  
Performance Standards.

[FR Doc. 96-2492 Filed 2-5-96; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AB88

#### Endangered and Threatened Wildlife and Plants; Final Rule To Delist *Bidens cuneata* (cuneate bidens), a Hawaiian Plant

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) determines to remove a plant, *Bidens cuneata* (cuneate bidens), from the List of Endangered Plants. This action is based on a review of the best available scientific and commercial data, which indicate that this plant is not a discrete taxonomic entity and therefore does not meet the definition of a species as defined by the Endangered Species Act of 1973, as amended (Act). Extensive studies associated with a recent revision of the Hawaiian members of the genus have concluded that *Bidens cuneata* is an outlying population of *Bidens molokaiensis*, which is common along the windward cliffs of the island of Molokai.

**EFFECTIVE DATE:** February 6, 1996.

**ADDRESSES:** The complete file for this final rule is available for public inspection, by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Pacific Islands Ecoregion, 300 Ala Moana Boulevard, Room 3108, P.O. Box 50088, Honolulu, Hawaii 96850.

**FOR FURTHER INFORMATION CONTACT:** Robert P. Smith, Pacific Islands Ecoregion Manager, at the above address (808/541-2749).

#### SUPPLEMENTARY INFORMATION:

##### Background

The type specimen for *Bidens cuneata* was collected on Diamond Head, Oahu, by William A. Bryan on December 6, 1903, and was formally described by Earl E. Sherff in 1920 (Sherff 1920, Takeuchi 1980). Subsequent to its initial

discovery, there were no further collections or observations of the species, leading botanists to believe that it could have gone extinct. In 1955, the species was rediscovered in the area where it was collected originally (Takeuchi 1980).

Hybrids of the Hawaiian *Bidens* species can readily be induced experimentally and result in highly fertile progeny, indicating a general lack of genetic barriers within the group. Based upon experimental crosses in the Hawaiian members of the genus, Gillette and Lim (1970) concluded that *Bidens cuneata* was a natural hybrid between *Bidens mauensis*, native to the island of Maui, and *Bidens molokaiensis*, which is restricted to Molokai Island; however, few botanists accepted this conclusion. Citing the occurrence of natural and experimental hybrids, Gillette (1975) later contended that the 41 species of Hawaiian *Bidens* placed by Sherff in section *Campylotheca* should be considered a single species. Recent systematic studies of the genus (including additional experimental hybridizations) culminated in a revision of the Hawaiian members of the genus (Ganders and Nagata 1990). In this publication, *Bidens cuneata* was considered conspecific with *Bidens molokaiensis*, a common species found along the northern side of Molokai Island. *Bidens molokaiensis* occurs between sea level and 150 meters (500 feet) in elevation along the seashores, sea cliffs, talus slopes, and fields of northern Molokai from Hoolehua to Kaonihu, a distance of about 37 kilometers (23 miles) or about two-thirds the length of the island.

##### Previous Federal Action

Federal action on *Bidens cuneata* began as a result of section 12 of the Act, which directed the Secretary of the Smithsonian Institution to prepare a report on plants considered to be endangered, threatened, or extinct in the United States. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. In that document *Bidens cuneata* was considered to be endangered. On July 1, 1975, the Service published a notice in the Federal Register (40 FR 27823) of its acceptance of the Smithsonian report as a petition within the context of section 4(c)(2) (now section 4(b)(3)) of the Act), and giving notice of its intention to review the status of the plant species named therein. As a result of that review, on June 16, 1976, the Service published a proposed rule in the Federal Register (41 FR 24523) to determine endangered status pursuant to section 4 of the Act

for approximately 1,700 vascular plant species, including *Bidens cuneata*. The list of 1,700 plant species was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the July 1, 1975, Federal Register publication.

General comments received in response to the 1976 proposal are summarized in an April 26, 1978, Federal Register publication (43 FR 17909). In 1978, amendments to the Act required that all proposals over two years old be withdrawn. A one-year grace period was given to proposals already over two years old. On December 10, 1979, the Service published a notice in the Federal Register (44 FR 70796) withdrawing the portion of the June 16, 1976, proposal that had not been made final, along with four other proposals that had expired.

*Bidens cuneata* was proposed for listing as an endangered species on August 23, 1982 (47 FR 36675). The public comment period ended on November 22, 1982. The final rule listing *Bidens cuneata* as an endangered species was published in the Federal Register on February 17, 1984 (49 FR 6099). On July 7, 1993, the Service published in the Federal Register (57 FR 47028) a proposal to delist *Bidens cuneata*. This proposal was based primarily on information from current taxonomic literature, which is the best scientific and commercial information available. The Service now determines *Bidens cuneata* should be delisted with the publication of this rule.

##### Summary of Comments and Recommendations

In the July 7, 1993, proposed rule (57 FR 47028) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice inviting public comment was published in the "Honolulu Advertiser" on August 6, 1993. The public comment period ended on September 7, 1993. No comments were received.

##### Summary of Factors Affecting the Species

The Act and its implementing regulations, 50 CFR 424.11, require that certain factors be considered before a species can be listed, reclassified, or delisted. These factors and their



application to *Bidens cuneata* Sherff (cuneate *bidens*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* *Bidens cuneata* has been determined to be no more than an outlying population of *Bidens molokaiensis*, a common species native to the northern part of Molokai. *Bidens molokaiensis* is not significantly threatened with destruction, modification, or curtailment of its habitat throughout a significant portion of its range. The final rule (49 FR 6099) designating *Bidens cuneata* as an endangered species identified habitat degradation, possible reduction of reproductive success due to a decline of native pollinating insects, and potential fire hazards as threats contributing to the endangerment of that species. If *Bidens cuneata* were a valid taxon and met the definition of a species as described by the Act, then these factors would be relevant. However, since the entity shows no genetic integrity independent of *Bidens molokaiensis*, it cannot be scientifically defended as either a species or subspecies.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Such overutilization is not known to be a factor for *Bidens molokaiensis*, which includes *Bidens cuneata*.

C. *Disease or predation.* Disease or predation is not a threat to *Bidens molokaiensis*, which includes *Bidens cuneata*.

D. *The inadequacy of existing regulatory mechanisms.* Federal listing of a species as endangered or threatened automatically invokes listing under Hawaii State law, which prohibits taking of endangered plants in the state and encourages conservation by State agencies. State regulations prohibit the removal, destruction, or damage of plants found on State lands. This final rule may remove the protection of the State laws that this population presently enjoys as a federally listed species. It also requires the reevaluation of *Bidens cuneata* in the context of its status in State land use planning documents. However, since *Bidens molokaiensis* is a common species, this is not expected to have a detrimental effect.

E. *Other natural or manmade factors affecting its continued existence.* None known.

The regulations at 50 CFR 424.11(d) state that a species may be delisted if: (1) it becomes extinct, (2) it recovers, or (3) the original classification data were in error. The Service believes that the best current scientific information demonstrates that *Bidens cuneata* does not represent a valid taxonomic entity and, therefore, does not meet the definition of species as defined in section 3(15) of the Act.

In accordance with 5 U.S.C. 553(d), the Service has determined that this rule relieves an existing restriction and good cause exists to make the effective date of this rule immediate. Delay in implementation of this delisting would cost government agencies staff time and monies on conducting formal section 7 consultation on actions which may affect a species no longer in need of the protection under the Act. Relieving the existing restriction associated with this listed species will enable Federal agencies to minimize any further delays in project planning and implementation for actions that may affect *Bidens cuneata*.

#### Effects of Rule

The action to delist *Bidens cuneata* results in the removal of this species from the List of Endangered and Threatened Plants. Federal agencies are no longer required to consult with the Secretary of the Interior to insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of *Bidens cuneata*. There is no designated critical habitat for this species. Federal restrictions on taking this species no longer apply. There are no specific preservation or management programs for the species to be terminated.

#### National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment or Environmental Impact Statement, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the

Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

#### References Cited

- Ganders, F.R., and K.M. Nagata. 1990. *Bidens*: in Wagner, W.L., D.R. Herbst, and S.H. Sohmer, Manual of the flowering plants of Hawai'i. University of Hawaii Press and Bishop Museum Press, Honolulu. Bishop Mus. Spec. Publ. 83:267-283.
- Gillette, G.W. 1975. The diversity and history of Polynesian *Bidens*, section *Campylotheca*. Univ. Hawaii Harold L. Lyon Arbor. Lecture 6:1-32.
- Gillette, G.W., and E.K.S. Lim. 1970. An experimental study of the genus *Bidens* (Asteraceae) in the Hawaiian Islands. Univ. Calif. Publ. Bot. 56:1-63.
- Sherff, E.E. 1920. Studies in the genus *Bidens*. V. Bot. Gaz. 70:89-109.
- Takeuchi, W. 1980. Unpublished status survey of *Bidens cuneata* Sherff. U.S. Fish and Wildlife Service, Honolulu, 29 pp.

#### Author

The author of this final rule is Marie M. Brueggemann, Pacific Islands Ecoregion (see ADDRESSES section).

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

#### Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

#### PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

#### § 17.12 [Amended]

2. Section 17.12(h) is amended by removing the entry "*Bidens cuneata*" under "FLOWERING PLANTS" from the List of Endangered and Threatened Plants.

Dated: November 3, 1995.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 96-2488 Filed 2-5-96; 8:45 am]

BILLING CODE 4310-55-P

# Proposed Rules

Federal Register

Vol. 61, No. 25

Tuesday, February 6, 1996

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Parts 212 and 264

[INS No. 1390-92]

RIN 1115-AD24

#### Mexican and Canadian Nonresident Alien Border Crossing Cards

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Proposed rule.

**SUMMARY:** This rule proposes to amend the Immigration and Naturalization Service (Service) regulations by revising the guidelines to clarify and standardize procedures for the application and issuance of border crossing cards to citizens and residents of Mexico or Canada, or British subjects residing permanently in Canada who wish to enter the United States for business or pleasure. This proposed rule promotes uniformity and clarity in the application requirements, decision-making process, and issuance of entry documents, while enhancing effective and efficient border enforcement within the border crossing card program.

**DATES:** Written comments must be submitted on or before April 8, 1996.

**ADDRESSES:** Please submit written comments, in triplicate, to the Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536. To ensure proper and timely handling please reference INS No. 1390-92 on your correspondence.

**FOR FURTHER INFORMATION CONTACT:** Michael T. Jaromin, Assistant Chief Inspector, Inspections Division, Immigration and Naturalization Service, 425 I Street, NW., Room 7228, Washington, DC 20536, Telephone (202) 514-3275.

#### SUPPLEMENTARY INFORMATION:

##### Nonresident Alien Mexican Border Crossing Card

The Nonresident Alien Border Crossing Card, Form I-586 (BCC), is a document of identity issued by the Service at land border Ports-of-Entry (POEs) along the United States and Mexican border to accommodate Mexican nationals residing in the border area. Prevailing United States statutes and regulations require that Mexican nationals be in possession of valid travel documents to prove identity and nationality when applying for admission to the United States. To meet these requirements, the BCC is issued as a service to eligible Mexican citizens who are residents of Mexico for the purpose of facilitating their entry into the United States. A BCC may be used as the sole entry document by a Mexican citizen seeking to enter the United States for business (B-1) or pleasure (B-2) across a land border, or it may be presented in lieu of a B-1/B-2 nonimmigrant visa by a Mexican citizen seeking to enter the United States as a temporary visitor for business or pleasure at POEs other than land border crossings. A BCC holder entering the United States at a southern land border POE who will remain within 25 miles of the Mexican border for 72 hours or less requires no other immigration documentation. A BCC holder who wishes to remain in the United States for longer than 72 hours, or to travel beyond the 25-mile limit, must request permission. Depending on the circumstances of the request, Form I-444 (Mexican Border Visitors Permit) will be issued, or the person's visit to the United States will be controlled by issuing Service Form I-94. Form I-444 conveys permission to remain in the United States for up to 30 days and to travel anywhere within the states of Arizona, California, Nevada, New Mexico or Texas. Form I-94 is used to authorize entry to the United States beyond these states, or for longer periods of time. A BCC holder must remain a resident of Mexico to be eligible to retain and use the card.

The service first began issuing the current Form I-586 BCC in 1980. The previous version of the BCC, Nonresident Alien Mexican Border Crossing Card, Form I-186 BCC, is still in circulation and serves the same

purpose. A Form I-186 BCC in the possession of the rightful cardholder remains valid until revoked or voided, and may be replaced by Form I-586 BCC if it becomes lost, stolen or mutilated, or if the applicant requests a new card for other reasons, such as a name change. The current Form I-586 has a 10 year validity.

When the Service originally began issuing BCCs in the early 1950's the BCCs were issued sparingly and with an expiration date. Over the years, an erosion in the original stringent standards for BCC issuance and a lack of uniformity in issuance procedures from one POE to another have resulted in a large expenditure of time and effort in the detection of mala fide applicants and the revocation of BCCs that have been misused or fraudulently obtained. In Fiscal Year 1993, nearly 25,000 BCCs were intercepted by the Service after issuance for reasons of fraud, counterfeiting, alteration, use by impostors, and other improper use.

The lack of uniformity in issuance procedures has been raised periodically over the years. The changes to the Mexican BCC issuance procedures proposed in this rule were recommended at a border crossing card workshop comprised of representatives from Service Headquarters and the Service's Regional Offices, who determined that current regulations should be amended to strengthen and clarify the border crossing card application process. Additional suggestions came from field offices involved in issuance of the BCC.

#### Requirements and Procedures for Issuance

The documentary evidence necessary for the adjudication of a BCC is similar to that required for a nonimmigrant visa filed at an American Consulate in Mexico. The specific evidentiary requirements may be found at 8 CFR 212.6(b). The purpose of this documentation is to establish that the applicant is a Mexican citizen, has a domicile in Mexico which he or she has no intention of abandoning, and is likely to have adequate funds to pay for all expenses during any proposed visits to the United States. The applicant for a BCC must also meet the definition of a visitor for business or a visitor for pleasure as defined in section 101(a)(15)(B) of the Immigration and

Nationality Act (Act). Section 214(b) of the Act also provides that these conditions be met before issuance of an entry document.

Currently, the documents accepted and standards used in the issuance of the BCC vary widely in different areas, causing inconsistencies in the ability to obtain the benefit, and frequent interception and revocation of BCCs that have been misused or fraudulently obtained. This rule proposes to clarify the standards for issuance of border crossing cards by providing a list of documentary evidence that the applicant may present to a Service officer to establish residence and economic solvency. The list of evidence is comprehensive enough to allow for flexibility on the part of both the applicant and the adjudicating officer, and includes documents that may be accepted as primary as well as secondary evidence.

Insufficient personnel resources, seasonal fluctuations in vehicular and pedestrian traffic, and uneven distribution of application workload have all contributed to increased waiting times for appointments, adjudication of applications, and issuance of BCCs. To help alleviate the increased waiting period for BCC applicants, this rule proposes to expedite the process by providing guidelines for issuance of temporary border crossing documents to applicants who have no prior violations and who appear to meet all requirements for issuance.

The BCC is intended for use by Mexicans living in the immediate border area who are frequent crossers. Because of the disparity in population concentration in Mexican border states, it is difficult to uniformly define the term "border area" for purposes of determining who may apply for a BCC at a Port-of-Entry. Currently, some POEs accept applications from residents of area far distant from the border, resulting in overwhelming workload and diversion of staff from the primary function of inspecting vehicular and pedestrian traffic, which is a mandatory, statutory duty that must take precedence over BCC issuance. In attempting to obtain an equitable distribution of workload, neither limiting nor unduly burdening any particular district, the Service conducted a survey of Service districts along the Mexican border for their opinions concerning the distance into Mexico from which to accept applications. Since population distribution varies so greatly, this rule proposes to set a maximum geographical jurisdiction for acceptance of BCC

applications by Service districts based upon the corresponding Mexican state boundaries. It also allows some discretion on the part of the district director to account for population concentrations along the border, by permitting further limitation or subdivision within that area. One example of this discretion might be for a district director to limit applications for BCCs to Mexican citizens living within a specified number of miles from the border. Another example might be for the district director to specify which of several Ports-of-Entry will accept applications, according to the place of residence in Mexico.

#### Canadian Nonresident Alien Border Crossing Card

The Form I-185, Nonresident Alien Canadian Border Crossing Card (CBCC), is an identity document intended to facilitate the entry into the United States of certain Canadian citizens, and British subjects who are lawful permanent residents of Canada. Since the passport and visa requirements are waived by regulation for Canadian citizens and British subjects residing in Canada when crossing the United States-Canadian border, the CBCC is generally issued to an eligible applicant who is inadmissible to the United States pursuant to section 212(a) of the Act, and who has been granted a waiver of that inadmissibility pursuant to section 212(d)(3)(B) of the Act. According, the CBCC acts as evidence of a permanent waiver of inadmissibility for the holder of the document, because the CBCC currently is valid until revoked.

Current regulations relating to the issuance of CBCCs are included in the provisions for issuance of Mexican BCCs. The proposed regulatory language segregates the provisions of issuance of the two documents and separately addresses issues relating to use of the BCC and CBCC, procedures for application, and procedures and grounds for denial. Variances in application procedures are in part made necessary due to differing documentary requirements for entry to the United States for Mexican nationals and Canadian nationals. Additionally, the volume of applications for the BCC far exceeds that of the CBCC. The proposed rule also proposes an expiration date.

The CBCC has traditionally been used by individuals seeking entry as B-1 or B-2 visitors for business or pleasure. While use of the CBCC for entry is not restricted to these nonimmigrant categories, the proposed language specifically includes entry in any nonimmigrant classification for which a visa is not required. This language will

allow the holder of a CBCC to seek entry in all nonimmigrant categories except E (Treaty Trader/Investor) and K (Fiance/Fiancee), and will serve to facilitate the entry of business persons and thereby comport with provisions of the North American Free Trade Agreement (NAFTA).

The current regulation contains no provision for denial of an application made on Form I-175, Application for Non-Resident Alien's Canadian Border Crossing Card. The proposed rule addresses both the procedural and substantive aspects of denial of Form I-175. No form is currently in use for denial of Form I-175. The proposed rule allows for denial to be made by letter from the district director, thereby precluding the need for distribution of a new form. No appeal from a denial will be available. In cases where a waiver of excludability has been denied, or where the waiver is valid for a restricted number of entries, the proposed rule provides that the Form I-175 application for a CBCC shall also be denied. When restrictions have been placed on the waiver, the district director has the discretion to deny issuance of the CBCC.

As stated previously, the CBCC is currently valid until revoked or voided. The proposed rule provides for a change in the term of validity of the CBCC and allows for issuance of a card valid for a maximum period of 10 years. Aliens who presently submit Form I-192, Application for Advance Permission to Enter as Nonimmigrant (for advance permission to enter as nonimmigrants) are issued waiver forms valid for 6 months to 1 year. Regulations at 8 CFR 212.4(c) allow for such waivers, if granted in conjunction with issuance of a CBCC, to be valid for the validity period of the border crossing card. The proposed rule will allow for periodic review of the cases of those aliens who have applied for and been granted CBCCs. Limiting the period of validity for the CBCC is consistent with the Service practice of limiting validity of other similar identity documents.

#### Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that the rule will not have a significant economic impact on a substantial number of small entities because of the following factors: The BCCs and CBCCs are applied for by individuals, not small entities; and, the rule simply codifies policies and procedures that have been in place for

many years, imposing no additional burden on applicants or small entities.

#### *Executive Order 12866*

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

#### *Executive Order 12612*

The regulations proposed herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### *Paperwork Reduction Act*

The information collection requirements contained in this rule have been cleared by the Office of Management and Budget under the Provisions of the Paperwork Reduction Act. Clearance numbers for these collection are contained in 8 CFR 299.5, Display of Control Numbers.

#### List of Subjects

#### *8 CFR Part 212*

Administrative practice and procedure, Aliens, Immigration, Passports and visas, Reporting and recordkeeping requirements.

#### *8 CFR Part 264*

Aliens, Registration and fingerprinting, Reporting and recordkeeping requirements.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

### **PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE**

1. The authority citation for part 212 continues to read as follows:

Authority: 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1187, 1225, 1226, 1227, 1228, 1252; and 8 CFR part 2.

2. Section 212.6 is amended by:

- a. Revising paragraphs (a) and (b);
- b. Removing paragraphs (c) and (f); and by

c. Redesignating paragraphs (d) and (e) as paragraphs (c) and (d) respectively, to read as follows:

#### **§ 212.6 Nonresident alien border crossing cards.**

(a) *Mexican.* (1) *Use of Nonresident Alien Border Crossing Cards.* The rightful holder of a Nonresident Alien Mexican Border Crossing Card, Form I-186, or Nonresident Alien Border Crossing Card, Form I-586, applying for admission from contiguous territory as a visitor for business or as a visitor for pleasure, may be admitted under § 235.1(f) and (g) of this chapter if found otherwise admissible. Persons in possession of Form I-186 may continue its use because it serves the same purpose as the Form I-586, which is the card currently issued. The Form I-186 remains valid until revoked or voided, and may be replaced by Form I-586 if it becomes lost, stolen or mutilated, or if the applicant requests a new card. An alien in possession of Form I-186 or Form I-586 seeking entry as a visitor for business or pleasure must also present a valid passport and shall be issued Form I-94 if the alien is applying for admission from:

- (i) A country other than Mexico or Canada, or
- (ii) Canada if the alien has been in a country other than the United States or Canada since leaving Mexico.

(2) *Application.* A citizen of Mexico must apply for a nonresident border crossing card on Form I-190, Application for Nonresident Alien Mexican Border Crossing Card. To be considered a complete application, the Form I-190, Application must be accompanied by:

- (i) Evidence of Mexican citizenship in the form of a valid, unexpired Mexican international passport or a valid Mexican Form 13;
- (ii) Three color photographs with a white or off-white background. The photographs must be glossy or matte finish, unretouched, and not mounted. The dimensions of the facial image must be approximately 1 inch from the chin to the top of the hair and from the left cheek to the right ear, and the applicant must be shown in a 3/4 frontal view showing the right side of the face with both the right ear and left eye visible; and,
- (iii) Proof that the applicant has a foreign residence abroad which he or she has no intention of abandoning. Proof includes but is not limited to evidence of economic solvency and established residence in Mexico for a minimum period of the past 6 months immediately prior to the date of the applicant's interview.

(A) *Primary evidence of employment or economic solvency.* Evidence of employment or economic solvency may consist of but is not limited to: pay checks, salary stubs, or an original pay receipt list (no photocopies) where the employee signed for salary for a minimum period of the last 6 months, or evidence of business ownership and current local government business licenses, and local, state, and Federal tax receipts for the current year. An applicant who is not self-supporting must be accompanied at the time of applicant's interview by the person providing support, or the applicant must provide sufficient documentary proof of support, as previously described, on behalf of the person providing support. In cases where an applicant claims to be married to the person providing support, his or her marriage certificate must be presented.

(B) *Secondary evidence of economic solvency (to overcome deficiencies in primary evidence).* Evidence may consist of but is not limited to: current bank statements or transactions showing continuous solvency for a minimum period of the last 6 months immediately prior to the date of interview, or if the applicant is a member of the Mexican Social Security Health Plan, the most recent payment receipt and/or recent identification showing current membership, showing economic solvency.

(C) *Primary evidence of residence abroad.* If an applicant is renting his or her residence, evidence may consist of but is not limited to: rent receipts, utility receipts, or a rental agreement bearing the applicant's name. If an applicant is the property owner of his or her residence, evidence may consist of the residential property deed, utility receipts for the claimed place of residence bearing the applicant's name, or current property tax receipts. When an applicant resides with relatives, the officer may accept evidence of residence in the relative's name if the residential relationship is established to the satisfaction of the adjudicating officer.

(d) *Other forms of secondary evidence of residence abroad which may be accepted.* Evidence may consist of but is not limited to: a manifest of acreage farmed signed by the Secretary of Agriculture with an official seal from the local government, a letter from the Municipal Inspector of Cattle stating the size of an applicant's herd and/or evidence of brand registration, identification card indicating applicant is a cattle rancher or farmer, bookkeeping records, postmarked correspondence, and, if a student, school records. If applying for a border

crossing card during the summer vacation, a student's previous school year documents and evidence of intention to enroll for the following school year are required.

(3) *Submission of Form I-190.* (i) Form I-190, Application for Non-Resident Alien's Mexican Border Crossing Card, shall be properly completed and submitted in accordance with § 212.6(a)(3)(ii) of this part to an immigration officer at a southern land border Port-of-Entry.

(ii) Only residents of the border states in Mexico are eligible to file Form I-190 with an immigration officer at a southern land border Port-of-Entry. District directors may also, at their discretion, further subdivide their area of jurisdiction among specific Port-of-Entry within a district, or further limit the area from which Mexican residents may apply. These limitations may include, but are not restricted to, accepting applications only from residents of a specific municipality with a Mexican border state, or from Mexican nationals residing within a specific distance from the border. The maximum geographical jurisdiction for acceptance of applications for a border crossing card at a Port-of-Entry shall be divided as follows:

(A) The San Diego District may only accept applications from residents of the State of Baja California;

(B) The Phoenix District may only accept applications from residents of the State of Sonora;

(C) The El Paso District may only accept applications from residents of the State of Chihuahua;

(D) The San Antonio District may only accept applications from residents of the States of Coahuila, Nuevo Leon, and the city of Nuevo Laredo;

(E) The Harlingen District may only accept applications from residents of the States of Nuevo Leon and Tamaulipas.

(iii) An applicant who does not reside within this designated border area in Mexico must apply to the American consulate having jurisdiction over his or her place of residence for a nonimmigrant visa or Border Crossing Card.

(4) *Interview.* Each applicant, regardless of age, must appear in person for an interview concerning eligibility for a nonresident alien border crossing card. However, the district director may waive the interview requirement for children under 6 years of age where the parent(s) or legal guardian(s) have a Border Crossing Card.

(5) *Denial of Form I-190.* If the applicant cannot demonstrate that he or she has a foreign residence which he or she has no intention of abandoning, his

or her application for a border crossing card shall be denied. If the application is denied, the applicant shall be given a written notice of denial and the reasons for the denial. There is no appeal from the denial of the Form I-586. The applicant is not precluded from filing a new application, however, the applicant may not submit a subsequent application for a border crossing card to the Service for at least 180 days.

(6) *Issuance of temporary card.* Prior to the interview with an applicant, the Service will complete appropriate database inquiries for each applicant over the age of 14. Following adjudication by an immigration officer, if the application is approved, a temporary document shall be issued using the third copy of the Form I-190. A photo of the applicant shall be affixed to the temporary document, with the admission stamp partially covering the photo. A scheduled date for pick up of the Form I-586 BCC shall also be stamped on the form. The temporary document shall be issued for a specified period of time in increments to be determined by the district director, based on the current timeframe needed for card production and mailing from the Immigration Card Facility. However, the district director may decline to issue a temporary document if the timeframe for card production and mailing from the Immigration Card Facility is 30 calendar days or less.

(7) *Validity.* The Form I-586 BCC shall be valid for 10 years from the date of issuance or until revoked or voided by the service. Notwithstanding any expiration date which may appear thereon, Form I-186 BCC is valid until revoked or voided. Any Form I-186 BCC or Form I-586 BCC issued to a minor child must be surrendered within 30 days of the child attaining the age of 14 years, and a new Form I-586 BCC may be issued bearing the holder's signature and fingerprint upon submission of a new Form I-190, without fee, and evidence of continued eligibility.

(b) *Canadian.* (1) *Use of Nonresident Alien Canadian Border Crossing Card, Form I-185.* Any Canadian citizen or lawful permanent resident (landed immigrant) of Canada having a common nationality with nationals of Canada, may use Form I-185 CBCC for entry at a United States Port-of-Entry. Entry may be made in any nonimmigrant classification which does not require prior issuance of a visa pursuant to § 212.1.

(2) *Application.* A citizen of Canada or a lawful permanent resident of Canada having a common nationality with nationals of Canada must apply for

a non-resident alien border crossing card on Form I-175, Application for Nonresident Alien's Canadian Border Crossing Card, in duplicate. To be considered a complete application, the Form I-175 must be accompanied by the following:

(i) Evidence of Canadian citizenship, or if a permanent resident of Canada, evidence of valid landed immigrant status and evidence of having common nationality with nationals of Canada;

(ii) Proof that the applicant has a foreign residence abroad which he or she has no intention of abandoning;

(iii) Three color photographs with a white or off-white background. The photographs must be glossy or matte finish, unretouched, and not mounted. The dimensions of the facial image must be approximately 1 inch from the chin to the top of the hair and from the left cheek to the right ear, and the applicant must be shown in a ¾ frontal view showing the right side of the face with both the right ear and left eye visible; and,

(iv) A fee as prescribed in § 103.7(b)(1) of this chapter.

(v) Additionally, those applicants who are seeking issuance of Form I-185 to function as a waiver of inadmissibility shall submit, in conjunction with Form I-175, a completed Form I-192, Application for Advance Permission to Enter as a Nonimmigrant, and all required documentation pursuant to § 212.4 of this chapter.

(3) *Submission of Form I-175.* Form I-175 shall be properly completed and submitted to an immigration officer at a Canadian border Port-of-Entry located within the district having jurisdiction over the applicant's residence or intended Port-of-Entry.

(4) *Denial of Form I-175.* In the case of an applicant seeking a waiver of inadmissibility, Form I-175 shall be denied in each case in which the accompanying Form I-192 is denied. In the case of an applicant for whom a Form I-192 has been approved for a restricted number of entries, Form I-175 shall be denied. In the case of an applicant for whom a Form I-192 has been approved for multiple entries, Form I-175 may be denied at the discretion of the district director if the waiver is the first such waiver granted to the applicant, or if the waiver order contains any restrictions or limitations on the alien's entry. If the Form I-175 application is denied, the applicant shall be given written notice of and the reasons for the denial by letter from the district director. There is no appeal from the denial of Form I-175, but the denial is without prejudice to a subsequent

application for admission to the United States. The applicant is not precluded from filing a new application, however, the applicant may not submit a subsequent application for a border crossing card to the Service for at least 180 days.

(5) *Issuance of Form I-185.* Following approval of Form I-175, each applicant is required to appear in person for issuance of Form I-185, Nonresident Alien Canadian Border Crossing Card.

(6) *Validity.* Form I-185 shall be valid for 10 years from date of issuance, or until revoked or voided.

\* \* \* \* \*

## **PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES**

3. The authority citation for part 264 continues to read as follows:

Authority: 8 U.S.C. 1103, 1201, 1201a, 1301–1305.

4. In § 264.1, paragraph (b) is amended by adding in proper numerical sequence the entry for Form “I-586”, to read as follows:

### **§ 264.1 Registration and fingerprinting.**

\* \* \* \* \*

(b) \* \* \*

\* \* \* \* \*

I-586, Nonresident Alien Border Crossing Card—Citizens of Mexico residing in Mexico.

\* \* \* \* \*

5. Section 264.4 is revised to read as follows:

### **§ 264.4 Application to replace a Nonresident Alien Border Crossing Card.**

Pursuant to § 212.6(d) of this chapter, an application for a replacement Nonresident Alien Canadian Border Crossing Card must be filed on Form I-175, and an application for a replacement Nonresident Alien Border Crossing Card for Mexican citizens must be filed on Form I-190. A fee for the filing of either Form I-175 or Form I-190, as prescribed in § 103.7(b) of this chapter, must be submitted at the time of application.

Dated: December 10, 1995.

Doris Meissner,

*Commissioner, Immigration and Naturalization Service.*

[FR Doc. 96-2453 Filed 2-5-96; 8:45 am]

BILLING CODE 4410-10-M

## **8 CFR Part 274a**

[INS No. 1713-96]

RIN 1115-AB73

### **Extension of Application Deadline for Participation in the Demonstration Project Concerning Electronic Options for Processing of Forms I-9**

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Notice extending deadline for submission of applications.

**SUMMARY:** The Immigration and Naturalization Service (Service) published a notice in the Federal Register on November 30, 1995 at 60 FR 61630. The notice provided application requirements and guidance to businesses, consortium of businesses, or other employing entities which might be interested in participating in a demonstration project dealing with the electronic production and/or storage of a Form I-9, Employment Eligibility Verification Form. The proposed demonstration project discussed in the notice was the result of numerous inquiries made by members of the business community expressing a desire to electronically produce and/or store the Form I-9.

This subsequent notice serves to inform the public that the Service has decided to extend the deadline for applications for the demonstration project. This extension is in response to the considerable number of requests the Service has received from the business community to allow for additional time to prepare applications.

**DATES:** Written applications, responding to all of the Application Requirements and Criteria cited in the November 30, 1995 Federal Register notice published at 60 FR 61630, or available on the Internet at [gopher:justice.usdoj.gov](http://gopher:justice.usdoj.gov), must be submitted on or before March 8, 1996.

**ADDRESSES:** Please submit an original application and five copies to the Immigration and Naturalization Service, 425 I Street, NW., Room 1000, Washington, DC 20536, Attention: Form I-9 Demonstration Project.

**FOR FURTHER INFORMATION CONTACT:** Robert Atwater, Immigration and Naturalization Service, 425 I Street, NW., Room 1000, Washington, DC 20536, telephone (202) 514-2998.

Dated: February 1, 1996.

Doris Meissner,  
*Commissioner.*

[FR Doc. 96-2486 Filed 2-1-96; 2:12 pm]

BILLING CODE 4410-10-M

## **NUCLEAR REGULATORY COMMISSION**

### **10 CFR Part 2**

RIN 3150-AF23

### **Petition for Rulemaking; Procedure for Submission**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule: Withdrawal.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is withdrawing a notice of proposed rulemaking published in the Federal Register on March 28, 1995 (60 FR 15878), pertaining to petitions for rulemaking. The proposed rule would have provided incentive of more expeditious disposition by the NRC to those petitioners who submitted detailed supporting information in their petitions which facilitated NRC review. The proposed rule would also have delineated factors that affect priorities for review of the petitions. In lieu of the proposed rulemaking, the information in the proposed rule together with additional guidance will be provided in a Regulatory Guide to be developed by the NRC and distributed to the industry and the public.

**FOR FURTHER INFORMATION CONTACT:** T.Y. Chang, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6450.

### **SUPPLEMENTARY INFORMATION:**

#### **Background**

On March 28, 1995 (60 FR 15878), the NRC published a notice of proposed rulemaking for public comment in the Federal Register, entitled “Petition for Rulemaking; Procedure for Submission”, to amend § 2.802, Petition for Rulemaking. The proposed rule would have provided incentive of more expeditious disposition by the NRC to those petitioners who submitted detailed supporting information in their petitions which facilitated NRC review. The proposed rule would also have delineated factors that affect priorities for review of the petitions.

Twelve comment letters were received on the proposed rule. The industry and various Federal and local governmental agencies generally commended the NRC for proposing ways to improve the process of petitioning for rulemaking, but most commenters thought it is unnecessary to codify the criteria for expedited processing of petitions for rulemaking in the Code of Federal Regulations.

Instead, it was suggested that documents such as regulatory guides and information letters, which are guidance rather than rules, were more appropriate vehicles to provide this information.

Three of the four nonnuclear, nongovernment commenters also opposed the proposed rulemaking, on the grounds that (1) the NRC was passing off its responsibilities for analysis and documentation to the public, who could not possibly undertake this type of burden, and (2) the NRC might ignore safety issues raised by the public that might not be thoroughly documented in favor of issues that would be beneficial to the industry and that were well documented but were not real safety issues.

These two aspects were fully discussed in the proposed rule. The proposed rule stated that "The proposed changes would afford any petitioner two options: submit the minimal threshold information in the petition that is required by the current rule and be subject to the regular processing procedures, or submit more detailed supporting information and analyses in the petition in return for a more expeditious processing procedure by the NRC. The proposed revisions would not change any existing provision regarding petitions for rulemaking if they meet the minimum threshold requirement of the current § 2.802(c)." Further, the proposed rule stated that "Consideration of safety significance is the first criterion for prioritizing the review and disposition of petitions. It is the primary concern of the NRC to ensure that design and operation of NRC licensed facilities are carried out in a manner which assures adequate protection of public health and safety, of the environment, and of national security. Therefore, petitions found by the NRC to raise a concern in this regard would receive immediate NRC attention." In addition, the proposed rule stated that "Petitions containing supporting information additional to those currently required would improve their priority for review and receive more expeditious disposition."

The NRC originally proposed to amend the current § 2.802 as a rule change. After reviewing comments on the proposed § 2.802, however, the NRC became convinced that there is strong merit in the comments recommending against codification of the criteria for expedited processing of the petitions for rulemaking, because (1) the proposed procedure does not impose mandatory requirements, and (2) the proposed

procedure is clearly of an administrative nature.

Therefore, the proposed rule is not required and is being withdrawn, and the information in the proposed rule will be provided in a Regulatory Guide to be developed by the NRC and distributed to the industry and the public. In addition to the information originally intended to be included in the revised § 2.802, the Regulatory Guide will also provide guidance for preparation of more detailed petitions for rulemaking.

Furthermore, as mentioned in the proposed rule, the NRC has identified a need to establish an administrative framework to facilitate concerned parties submittal of proposals to issue, amend, or rescind any generic regulatory guidance document. Generic regulatory guidance documents are documents such as regulatory guides, bulletins, generic letters and sections of the Standard Review Plan (including Branch Technical Positions), which do not have the force and effect of a regulation, but are used by the NRC to identify or clarify acceptable NRC staff positions which comply with NRC regulations. A formal procedure which enables interested parties to propose changes to these regulatory guidance documents does not now exist. Therefore, a separate Regulatory Guide will be developed by the NRC to provide guidance for preparation and submission of proposals for generic regulatory guidance documents.

Dated at Rockville, Maryland, this 31st day of January, 1996.

For the Nuclear Regulatory Commission.  
John C. Hoyle,  
*Secretary of the Commission.*  
[FR Doc. 96-2437 Filed 2-5-96; 8:45 am]  
BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 96-ASO-7]

#### Proposed Amendment to Class D Airspace and Establishment of Class E Airspace; Jackson, TN

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to amend Class D surface area airspace and establish Class E surface area arrival extension airspace at Jackson, TN. The arrival extension, which is currently

part of the Class D airspace area, is greater than 2 miles and must be redesignated as Class E4 airspace.

**DATES:** Comments must be received on or before March 23, 1996.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 96-ASO-7, Manager, System Management Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305-5586.

**FOR FURTHER INFORMATION CONTACT:** Benny L. McGlamery, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5570.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 96-ASO-7." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.



### Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, System Management Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

### The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class D surface area airspace and establish Class E surface area arrival extension at Jackson, TN. The arrival extension, which is currently part of the Class D airspace area, is greater than 2 miles and must be redesignated as Class E 4 airspace. Class D airspace designations and Class E airspace designations for airspace areas designated as an extension to a Class D surface area are published in Paragraphs 5000 and 6004 of FAA Order 7400.9C respectively, dated August 17, 1995, and effective September 16, 1995, which are incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration

proposes to amend 14 CFR part 71 as follows:

### PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR 1959-1963 Comp., p. 389; 14 CFR 11.69.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

#### *Paragraph 5000 Class D airspace.*

\* \* \* \* \*

ASO TN D Jackson, TN [Revised]

McKellar-Sipes Regional Airport, TN  
(Lat. 35°35'59"N, long. 88°54'56"W)

That airspace extending upward from the surface to and including 2900 feet MSL within a 4.2-mile radius of the McKellar-Sipes Regional Airport. This Class D airspace area is effective during the specific days and times will thereafter be continuously published in the Airport/Facility Directory.

\* \* \* \* \*

#### *Paragraph 6004 Class E airspace areas designated as an extension to a Class D surface area.*

ASO TN E4 Jackson, TN [New]

McKellar-Sipes Regional Airport, TN  
(lat. 35°35'59"N, long. 88°54'56"W)  
McKellar VOR/DME  
(lat. 35°36'13"N, long. 88°54'38"W)

That airspace extending upward from the surface within 3.1 miles each side of the McKellar VOR/DME 206° radial, extending from the 4.2-mile radius of the McKellar-Sipes Regional Airport to 7 miles southwest of the VOR/DME. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

\* \* \* \* \*

Issued in College Park, Georgia, on January 25, 1996.

Wade T. Carpenter,

*Acting Manager, Air Traffic Division,  
Southern Region.*

[FR Doc. 96-2511 Filed 2-5-96; 8:45 am]

BILLING CODE 4910-13-M

### 14 CFR Part 71

[Airspace Docket No. 95-ASO-20]

### Proposed Establishment of Federal Colored Airway B-9; Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposal would establish a Colored Federal Airway, Blue-9 (B-9), from the DEEDS Intersection to the Marathon Nondirectional Beacon (NDB), FL. The establishment of B-9 would accommodate the users of that airspace and enhance air traffic service.

**DATES:** Comments must be received on or before March 21, 1996.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO-500, Docket No. 95-ASO-20, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** Patricia Crawford, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-3075.

### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 95-ASO-20." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be



considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

#### The Proposal

The FAA is proposing an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a Colored Federal Airway, B-9, from the DEEDS Intersection to the Marathon NDB. B-9 would be established as a route preferred by pilots transitioning over water to areas south of Miami. Establishing this route would accommodate the users of that airspace and enhance air traffic service. Colored Federal airways are published in paragraph 6009(d) of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Colored Federal airway listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

##### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

*Paragraph 6009(d)—Blue Federal Airways*

\* \* \* \* \*

B-9 [New]

From INT Pahokee, FL, 211°T(211°M) and Fort Myers, FL, 138°T(140°M) radials; Marathon, FL.

\* \* \* \* \*

Issued in Washington, DC, on January 26, 1996.

Nancy B. Kalinowski,  
*Acting Manager, Airspace-Rules and  
Aeronautical Information Division.*  
[FR Doc. 96-2513 Filed 2-5-96; 8:45 am]

BILLING CODE 4910-13-P

#### 14 CFR Part 71

[Airspace Docket No. 95-AGL-15]

#### Proposed Modification of Class E Airspace; Alliance, OH, Salem, OH and Youngstown, OH

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to modify the Class E5 airspace area at Youngstown-Warren Regional Airport, Youngstown, OH and to revise the exclusionary language in the Class E5 airspace designations for Alliance, OH and Salem, OH, due to the closing of the Youngstown Executive Airport, Youngstown, OH, on August 15, 1995. The intent of this proposal is to provide adequate controlled airspace for the existing procedures at Youngstown, OH

and to correct the airspace designations at Alliance and Salem, OH, to reflect the closure of Youngstown Executive Airport.

**DATES:** Comments must be received on or before March 6, 1996.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL-7, Rules Docket No. 95-AGL-15, 2300 East Devon Avenue, Des Plaines, Illinois 60018. The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey L. Griffith, Air Traffic Division, System Management Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294-7568.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 95-ALG-15." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specific closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East

Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

#### The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify Class E5 airspace at Youngstown-Warren Regional Airport, Youngstown, Ohio and to revise the language for the Class E5 airspace designations for Alliance, OH and Salem, OH. The closing of the Youngstown Executive Airport, Youngstown, OH on August 15, 1995 and deletion of the airport's VOR Runway 11/29 Standard Instrument Approach Procedure (SIAP), requires that the FAA modify the airspace to ensure that the procedures at Youngstown-Warren Regional Airport are within controlled airspace. In addition this proposal would appropriately identify the Alliance and Salem, OH, Class E airspace designations by revising the exclusionary language. The modified areas would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the areas or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current.

Therefore this, proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

#### PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

##### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated, August 17, 1995, and effective September 16, 1995, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

AGL OH E5 Alliance, OH

Alliance, Barber Airport, OH  
(Lat. 40°58'54" N, long. 81°02'31" W)  
Sebring, Tri-City Airport, OH  
(Lat. 40°54'21" N, long. 81°00'00" W)

That airspace extending upward from 700 feet above the surface within a 6.2-mile radius of Barber Airport and within a 6.2-mile radius of the Tri-City Airport.

\* \* \* \* \*

AGL OH E5 Salem, OH

Salem Airpark Incorporated Airport, OH  
(Lat. 40°56'53" N, long. 8°51'43" W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Salem Airpark, Inc. Airport, excluding that airspace within the Alliance, OH; North Lima, OH; and Sebring, OH, Class E airspace areas.

\* \* \* \* \*

AGL OH E5 Youngstown-Warren Regional Airport, OH

(Lat. 41°15'32" N, long. 80°40'34" W)  
Youngstown, Landsdowne Airport, OH  
(Lat. 41°07'50" N, long. 80°37'10" W)  
Youngstown VORTAC  
(Lat. 41°19'52" N, long. 80°40'29" W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of the Youngstown-Warren Regional Airport and within 3.1 miles each side of the Youngstown VORTAC 358° radial extending from the 6.9-mile radius to 10 miles north of the VORTAC, and within the 6.2-mile radius of the Lansdowne Airport.

\* \* \* \* \*

Issued in Des Plaines, Illinois on March 7, 1996.

Maureen Woods,

*Acting Manager, Air Traffic Division.*

[FR Doc. 96-2508 Filed 2-5-96; 8:45 am]

BILLING CODE 4910-13-M

## FEDERAL TRADE COMMISSION

### 16 CFR Part 409

#### Trade Regulations Rule Concerning the Incandescent Lamp (Light Bulb) Industry

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** The Federal Trade Commission ("Commission" or "FTC") announces the commencement of a rulemaking proceeding to consider whether or not the Trade Regulation Rule Concerning the Incandescent Lamp (Light Bulb) Industry ("Light Bulb Rule" or "Rule") should be repealed. This notice includes a description of the procedures to be followed, an invitation to submit written comments, a list of questions and issues upon which the Commission particularly desires comments, and instructions for prospective witnesses and other interested persons who desire to participate in the proceeding.

**DATES:** Written comments must be submitted on or before March 7, 1996.

Notifications of interest in testifying must be submitted on or before March 7, 1996. If interested parties request the opportunity to present testimony, the Commission will publish a notice in the Federal Register stating the time and place when the hearings will be held and describing the procedures that will be followed in conducting the hearings. In addition to submitting a request to testify, interested parties who wish to present testimony must submit, on or before March 7, 1996, a written comment or statement that describes the issues on which the party wishes to

testify and the nature of the testimony to be given.

**ADDRESSES:** Written comments and requests to testify should be submitted to Office of the Secretary, Federal Trade Commission, Room H-159, Sixth Street and Pennsylvania Avenue, N.W., Washington, DC 20580, telephone number 202-326-2506. Comments and requests to testify should be identified as "16 CFR Part 409—Comment—Light Bulb Rule" and "16 CFR Part 409—Request to Testify—Light Bulb Rule," respectively. If possible, submit comments both in writing and on a personal computer diskette in Word Perfect or other word processing format (to assist in processing, please identify the format and version used). Written comments should be submitted, when feasible and not burdensome, in five copies.

**FOR FURTHER INFORMATION CONTACT:** Kent C. Howerton or James G. Mills, Attorneys, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, Room S-4302, 601 Pennsylvania Avenue, N.W., Washington, DC 20580, telephone (202) 326-3013 or (202) 326-3035, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background Information**

##### **A. Purpose of this Proceeding**

On April 6, 1995, the Commission published a request for comments concerning the Light Bulb Rule as part of the Commission's regulatory review program for all of its rules and guides.<sup>1</sup> When the Commission issued the lamp amendments to the Appliance Labeling Rule, it announced that, although there were no conflicts between the two Rules, it would decide following the amendment proceeding what further action, if any, it should take concerning the Light Bulb Rule. The April 6, 1995, notice solicited comments about the benefits and burdens of the Light Bulb Rule to consumers and industry, and about whether a need still exists for the Light Bulb Rule in light of the new labeling requirements in the Appliance Labeling Rule.<sup>2</sup> The Commission

received nine comments in response to the notice. The comments are discussed in Part II.A, below.

Pursuant to the FTC Act, 15 U.S.C. 41-58, and the Administrative Procedure Act, 5 U.S.C. 551-59, 701-06, by this Notice of Proposed Rulemaking ("NPR") the Commission initiates a proceeding to consider whether the Light Bulb Rule should be repealed, modified, or remain in effect as is.<sup>3</sup> The Commission solicits public comments on these issues. Section 18 of the FTC Act, 15 U.S.C. 57a, authorizes the Commission to promulgate, amend, and repeal trade regulation rules that define with specificity acts or practices that are unfair or deceptive in or affecting commerce within the meaning of section 5(a)(1) of the FTC Act, 15 U.S.C. 45(a)(1). If the Commission determines, based on the data, views and arguments submitted, that the Commission should consider additional alternatives, it will publish a supplemental notice of proposed rulemaking and will request public comments on those alternatives.

The Commission is undertaking this rulemaking proceeding as part of the Commission's ongoing program of evaluating trade regulation rules and industry guides to determine their effectiveness, impact, cost and need. This proceeding also responds to President Clinton's National Regulatory Reinvention Initiative, which, among other things, urges agencies to eliminate obsolete or unnecessary regulations.

##### **B. History and Requirements of the Light Bulb Rule**

The Commission promulgated the Light Bulb Rule on July 23, 1970, following a public rulemaking proceeding.<sup>4</sup> The Rule became effective on January 25, 1971. The Light Bulb Rule applies only to general service incandescent electric lamps (commonly referred to as "light bulbs").<sup>5</sup>

the Commission seeks to achieve, and possible regulatory alternatives under consideration; and (2) it invited interested parties to submit comments, including any suggestions or alternative methods for achieving such objectives. To comply with section 18, the Commission subsequently submitted the notice to the Chairman of the Committee on Commerce, Science, and Transportation, United States Senate and the Chairman of the Subcommittee on Commerce, Trade and Hazardous Materials, United States House of Representatives.

<sup>3</sup>In accordance with section 18 of the FTC Act, 15 U.S.C. 47a, the Commission submitted this NPR to the Chairman of the Committee on Commerce, Science, and Transportation, United States Senate and the Chairman of the Subcommittee on Commerce, Trade and Hazardous Materials, United States House of Representatives 30 days prior to publication of the NPR.

<sup>4</sup>Final Rule and Statement of Basis and Purpose ("Light Bulb Rule SBP"), 35 FR 11784 (1970).

<sup>5</sup>The Rule defines "general service incandescent lamps" as all medium screw base incandescent

Based on the record in the rulemaking proceeding, the Commission made the following factual findings, among others: (1) manufacturers normally marked light bulbs or their containers with only voltage and wattage ratings; (2) a substantial portion of the consuming public believed that all light bulbs of the same wattage would last approximately the same length of time and/or would emit approximately the same amount of light; (3) light bulbs of the same wattage were marketed with different rated lives and varying amounts of lumen output (light output); (4) there is a scientific principle that, for any given wattage, as the design life of a bulb increases, the bulb's light output decreases; (5) a substantial portion of the consuming public preferred purchasing light bulbs for specific purposes such as reading, working, or for convenience; (6) cost savings claims had been made, such as "Save \_\_\_\_\_ Dollars" or "Outlasts \_\_\_\_\_ Bulbs," that did not include all of the data essential for consumers to make valid cost comparisons and that resulted in half truths; and (7) claims had been made concerning "more or brighter light" and "longer life" without disclosing the specific comparisons being drawn. 35 FR at 11785.

The Commission concluded that: (1) the failure to disclose lumens, life, cost, and other data can mislead and deceive consumers; (2) cost savings claims that do not tell the complete story are deceptive; (3) unqualified claims such as "long life" or "more light" are inherently deceptive if the lumen and life ratings of the products being advertised and the products being compared are not disclosed; and (4) claims such as "maintain brightness better" are deceptive if not accompanied by a disclosure of lumens maintained over time for both the advertised and compared products. *Id.* at 11788, 11791.

The Commission promulgated the Light Bulb Rule to prevent these misleading and deceptive acts and

electric lamps, 15-watt through 150-watt, 115-volt through 130-volt. The term includes lamps in the customary "A" type and other bulb shapes included in Interim Federal Specification W-L-00101G, and lamps that are produced in generally comparable bulb shapes for sale in competition with other general service incandescent lamps. The Rule specifically excludes lamps designed and promoted primarily for decorative applications, appliances, traffic signals, showcases, projectors, airport equipment, trains, and lamps such as color, flood, reflector, rough service, and vibration service. 16 CFR 409.1 n. 3. The lamp products covered by the Light Bulb Rule commonly are referred to as "light bulbs." The term "lamp products," on the other hand, refers more broadly to all types of lighting products. In this notice, the term "light bulb" refers only to those lamp products covered by the Light Bulb Rule.

<sup>1</sup> Request for comments, 60 FR 17491. The comment period was scheduled to end on June 6, 1995, but was extended until August 7, 1995, at the request of industry members.

<sup>2</sup> Under section 18(b)(2) of the FTC Act, 15 U.S.C. 57a(b)(2), the Commission must publish an advance notice of proposed rulemaking ("ANPR") prior to initiating a proceeding to promulgate, amend, or repeal a trade regulation rule. The Commission has determined to treat the April 6, 1995, notice as an ANPR because it contained all the elements that section 18(b)(2) requires in an ANPR. Specifically: (1) it contained a brief description of the area of inquiry under consideration, the objectives which

practices. In summary, the Rule declares it is an unfair method of competition and an unfair and deceptive act or practice, in connection with the sale of general service incandescent light bulbs, to:

(1) fail to disclose clearly and conspicuously on the containers of such light bulbs (or, if there are no containers, on the bulbs themselves) their average initial wattage, average initial lumens, and average laboratory life, 16 CFR 409.1(a)-(b);

(2) fail to disclose clearly and conspicuously on the bulbs themselves their average initial wattage and design voltage, *Id.* at 409.1(b);<sup>6</sup>

(3) represent or imply that savings in light bulb cost or the cost of light output will result from the use of a particular light bulb product because of the bulb's life or light output unless, in computing such savings, the following factors are taken into account and disclosed clearly and conspicuously for the light bulb being sold and the bulb with which the comparison is being made: light bulb cost, electrical power cost, labor cost for bulb replacement (if any), actual light output in average initial lumens, and average laboratory life in hours, *Id.* at 409.1(c); and

(4) represent or imply that a light bulb will give more light, maintain brightness longer, or furnish longer life without clearly and conspicuously disclosing, for both the light bulb being sold and the light bulb with which the comparison is being made: the average initial light output in lumens, the average initial wattage, the laboratory life in hours, and, if there is a claim that the light bulb maintains brightness longer, the light output in lumens at 70% of the bulbs' rated lives ("maintained average lumens"), *Id.* at 409.1(d).

Four notes at the end of the Rule define terms used in the Rule or require certain procedures or tests to be used in making disclosures required by the Rule. Specifically, these notes: (1) state how manufacturers must determine the wattage, lumen, and life rating disclosures required by the Rule, and require these ratings to be determined at the light bulb's stated design voltage, *Id.* at 409.1 n. 1; (2) required for one year following the effective date of the Rule that all light bulb labels explain the meaning of the word "lumen" whenever it was used, *Id.* at 409.1 n. 2; (3) define

the term "general service incandescent lamp" to mean all medium screw base incandescent light bulbs, including "A" type bulbs and all other incandescent bulbs that are substantially the same as "A" type bulbs, *Id.* at 409.1 n. 3; and (4) define the meaning of the Rule's term "clear and conspicuous" with respect to the minimum type size and style for required disclosures and state where the required disclosures must be made, *Id.* at 409.1 n. 4.

### C. Comparison to Requirements of the Appliance Labeling Rule

In 1994, pursuant to a directive of the Energy Policy Act of 1992 ("EPA 92"),<sup>7</sup> the Commission amended its Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule"), 16 CFR 305, to specify new labeling requirements for lamp products.<sup>8</sup> EPA 92 directed the Commission to prescribe rules requiring that certain types of lamp products be labeled with "such information as the Commission deems necessary to enable consumers to select the most energy efficient lamps which meet their requirements." 42 U.S.C. 6294(a)(2)(C)(i).

In addition to incandescent light bulbs, the Appliance Labeling Rule applies to incandescent reflector lamps, 16 CFR at 305.03(m), medium screw base compact fluorescent lamps, *Id.* at 305.03(l), and general service fluorescent lamps, *Id.* at 305.03(k). Although there are no direct conflicts between the Light Bulb Rule and the Appliance Labeling Rule, there are overlapping requirements for the light bulbs that are covered by both Rules. The discussion in this notice summarizes only the requirements of

<sup>7</sup> Pub. L. No. 102-486, 106 Stat. 2776, 2817-2832 (Oct. 24, 1992) (codified in 42 U.S.C. 6201, 6291-6309). EPA 92 amended in several respects the Energy Policy and Conservation Act of 1975 ("EPCA"), which requires the Commission to prescribe labeling rules for certain major household appliances and other products.

<sup>8</sup> Final Rule and Statement of Basis and Purpose ("Appliance Labeling Rule/Lamps SBP"), 59 FR 25176 (1994). The lamp labeling requirements of the Appliance Labeling Rule became effective on May 15, 1995. In light of amendments to the Appliance Labeling Rule that the Commission proposed on March 22, 1995, in response to a petition from the National Electrical Manufacturers Association ("NEMA"), and apparent uncertainties among incandescent lamp manufacturers regarding their compliance responsibilities under the combined requirements of the Appliance Labeling Rule and the Light Bulb Rule, the Commission determined, however, that it would not take law enforcement actions until December 1, 1995, against manufacturers of incandescent lamp products not in compliance with the Appliance Labeling Rule. 60 FR 15198 (March 22, 1995).

the two Rules that apply to these light bulbs.

Like the Light Bulb Rule, the Appliance Labeling Rule requires disclosures on package labels of light output, wattage, and life ratings. 16 CFR 305.11(e)(1) (i)-(ii). As required by EPCA, 42 U.S.C. 6294(a)(2)(C)(i), the Appliance Labeling Rule requires that these disclosures be based on performance at 120 volts input, regardless of the rated lamp voltage (design voltage).<sup>9</sup> The Appliance Labeling Rule, however, allows manufacturers the option of adding disclosures on lamp packages based on the lamp's performance at a different design voltage of 125 volts or 130 volts, if the applicable voltage (*i.e.*, 120, 125, or 130) is disclosed on the label along with each disclosure of light output, wattage, and life. Manufacturers may choose to place the performance information at a design voltage of 125 volts or 130 volts on the primary display panel of the package and place the performance information at 120 volts elsewhere on the package. If they do so, they must add a specific disclosure on the primary display panel that describes the effect on performance of the difference in voltage and where on the package the performance information at 120 volts may be found.<sup>10</sup>

The Appliance Labeling Rule requires that these disclosures appear together in a specified order and be worded in a certain way (*i.e.*, as "Light Output: \_\_\_\_ Lumens; Energy Used: \_\_\_\_ Watts; Life: \_\_\_\_ Hours") on the label's principal display panel. 16 CFR 305.11(e)(1)(ii). The Light Bulb Rule, on the other hand, does not specify any order or wording for its required disclosures. It simply specifies that the three ratings be disclosed in terms of lumens, watts, and hours, and appear together on at least two panels of the label, and on any other panel on which a lumen, wattage, or hours of life claim is made. 16 CFR 409.1(a), 409.1 n. 4.

The Appliance Labeling Rule requires that the disclosures of light output, energy used, and life appear with equal clarity and conspicuousness. 16 CFR 305.11(e)(ii). It does not specify any particular type style or type size, but it requires that certain disclosures be made in the same size print, and that

<sup>9</sup> 16 CFR 305.11(e)(1)(iii) (1995). The Commission amended this paragraph regarding other requirements on June 13, 1995. Final Rule ("1995 lamp amendments"), 60 FR 31077, 31081 (1995) (to be codified at 16 CFR 305.11(e)(1)(iii)).

<sup>10</sup> *Id.* The specific disclosure is: "This product is designed for [125/130] volts. When used on the normal line voltage of 120 volts, the light output and energy efficiency are noticeably reduced. See [side/back] panel for 120 volt ratings."

<sup>6</sup> In the Light Bulb Rule SBP, the Commission explained that industry stressed the need to maintain a prominent wattage disclosure on incandescent light bulbs because the use of excess wattage in fixtures is unsafe and because consumers were accustomed to buying on the basis of wattage. 35 FR at 11786.

other disclosures be approximately 50% as large. The Light Bulb Rule specifies that both the lumens and hours rating disclosures be in a medium- or bold-face type that is at least two-fifths the height of the wattage rating figure on the same panel or three-sixteenths of an inch in height, whichever is larger. 16 CFR 409.1 n. 4. The Light Bulb Rule also includes similar type size and style requirements for the disclosures for multiple filament (three-way) light bulbs.

The Appliance Labeling Rule specifies two additional disclosures that are not required by the Light Bulb Rule. First, the following statement must appear on the principal display panel of the package label:<sup>11</sup>

To save energy costs, find the bulbs with the light output you need, then choose the one with the lowest watts.

Second, all cartons of covered lamps that are shipped within or imported into the United States must be marked with the following statement:

These lamps comply with Federal energy efficiency labeling requirements. 16 CFR 305.11(e)(4).

The Light Bulb Rule requires that the disclosures of light output, wattage, and life be determined in accordance with a specific Federal purchase specification and be based upon generally accepted and approved test methods and specifications, at the lamp product's design voltage.<sup>12</sup> The Appliance Labeling Rule requires that disclosures of design voltage, wattage, light output or life be based upon a reasonable basis consisting of competent and reliable scientific tests that substantiate the disclosures. Under the Appliance Labeling Rule, for light output and life

ratings the Commission will accept, but does not require, tests conducted according to specific test protocols issued by IES,<sup>13</sup> or testing in accordance with final test procedures issued by the U.S. Department of Energy.<sup>14</sup>

Both Rules contain provisions concerning claims about a lamp product's operating cost. The Appliance Labeling Rule requires that any label, printed material prepared for display or distribution at the point of sale, or catalog from which a covered lamp product may be ordered that contains an operating cost claim clearly and conspicuously disclose, in close proximity to the claim, the assumptions upon which the claim is based, including, e.g., purchase price, unit cost of electricity, hours of use, patterns of use. 16 CFR 305.11(e)(3), 305.13(a)(3), 305.14(c)(2). These Appliance Labeling Rule disclosure requirements do not apply to such claims made in other promotional materials, such as advertisements.

The Light Bulb Rule's provision applies to claims that savings in either light bulb cost or cost of light will result from the use of a particular light bulb because of the bulb's life or light output. It covers all comparative light bulb life, light output, and light bulb cost claims. The Light Bulb Rule specifies additional factors (e.g., labor costs for replacement, light output, life) that, depending on the particular claim being made, must be taken into consideration and clearly and conspicuously disclosed, for both the light bulb being offered for sale and the bulb(s) with which the comparison is being made. 16 CFR 409.1(c). The Light Bulb Rule's requirements apply to these claims made in all types of advertising, as well as on labels, point-of-sale printed materials, and catalogs.

Unlike the Light Bulb Rule, the Appliance Labeling Rule does not include disclosure requirements concerning comparative claims that a lamp product will give more light, maintain brightness longer, or furnish longer life. In addition, the Appliance Labeling Rule does not require that lamp products be marked with any information. The Light Bulb Rule, on the other hand, requires that light bulbs themselves be marked clearly and conspicuously with wattage and design voltage. 16 CFR 409.1(b).

## II. Discussion and Analysis

### A. Regulatory Review Comments

The Commission received nine comments in response to the April 6,

1995, notice.<sup>15</sup> Four comments were submitted by individual consumers, one by an organization that purchases and uses light bulbs ("organization/user comment"), three by lamp product manufacturers, and one by a trade association that represents lamp product manufacturers.<sup>16</sup>

The four individual consumer comments state that the Rule is still needed because the disclosures required by the Rule help consumers make informed purchasing decisions.<sup>17</sup> They want labels to continue to disclose light output, wattage, and life information. These comments do not address whether, if the Commission repealed the Light Bulb Rule, the labeling requirements of the Appliance Labeling Rule would require that manufacturers provide consumers with this information. The organization/user comment also opposes the elimination of the Light Bulb Rule. It contends consumers would lose valuable consumer protections that are only contained in the Light Bulb Rule.<sup>18</sup>

Hytron, a manufacturer of extended-service, long-life incandescent lamp products, including incandescent reflector lamps and traffic signal lamps, supports keeping the Light Bulb Rule, and, instead, eliminating the lamp labeling requirements of the Appliance

<sup>15</sup> Anderson, #1; Raeth, #2; Bowe, #3; McGarry, #4; Hytron Electric Products, a division of Trojan Inc. ("Hytron"), #5; Delta Phi Epsilon, Washington, DC, #6 ("DPE"); Philips Lighting, Philips Elmet, a division of North American Philips Corporation ("Philips"), #7; GE Lighting, General Electric Company ("GE"), #8; and Lamp Section, NEMA, #9. The comments submitted in response to the April 6, 1995, notice are filed as document numbers B17240700001, B17240700002, etc. In today's notice, the comments are cited as #1, #2, etc.

<sup>16</sup> The trade association, NEMA, is the largest U.S. trade association representing manufacturers of products used in the generation, transmission, distribution, control, and end-use of electricity. Member companies in the Lamp Section of NEMA produce more than 90% of general service incandescent and fluorescent lamp products sold in the United States. NEMA Lamp Section members include General Electric Lighting, Osram Sylvania, Inc., Philips Lighting Company, Supreme Corp., Venture Lighting International, Duro-Test Corp. and EYE Lighting International. NEMA, #9, cover letter, comment pg. 1.

<sup>17</sup> Matt Anderson, #1 (Rule very valuable to him as a consumer; reads labels very closely, particularly as to lumens and voltage; label information can be a safety factor since many enclosed fixtures are rated for up to 60W but 75+W bulbs will fit the same sockets); Marilyn Raeth, #3 (eliminating the Rule would be a great disservice to the consumer, who would not know the value of what he or she was purchasing); Madeline Bowe, #3 (maintain Rule requiring packages to show wattage, lumens, and bulb life; consumers have a right to know what they are buying); and James A. McGarry, #4 (do not weaken the labeling requirements; uses information to make comparative decisions when purchasing).

<sup>18</sup> DPE, #6.

<sup>11</sup> 16 CFR 305.11(e)(1)(vi) (1995). On June 13, 1995, the Commission amended this provision to allow manufacturers of incandescent reflector lamps to add to this advisory statement a reference to selecting a lamp at the beam spread, as well as the light output, that purchasers need. 60 FR at 31081 (1995) (to be codified at 16 CFR 305.11(e)(1)(vi)).

<sup>12</sup> 16 CFR 409.1 n. 1. The Light Bulb Rule states that, for light bulbs covered by that Rule, the "average initial wattage, average initial lumen, and average laboratory life disclosures required by this section shall be in accordance with the requirements of interim Federal Specification, Lamp, Incandescent (Electric, Large, Tungsten-Filament) W-L-00101 G and shall be based upon generally accepted and approved test methods and procedures." In 1977, that specification ceased being interim and is now known as Federal Specification, Lamp, Incandescent (Electric, Large, Tungsten-Filament) W-L-101H/GEN. This specification refers to pertinent American National Standards Institute ("ANSI") test protocols, which are consistent with the Illuminating Engineering Society of North America ("IES") protocols that are cited in the Appliance Labeling Rule, 16 CFR 305.5(b), as an acceptable reasonable basis for determining the light output and life of incandescent light bulbs. 59 FR at 25200 n. 251.

<sup>13</sup> 16 CFR 305.5(b). See also note 12, *supra*.

<sup>14</sup> 59 FR at 25200.

Labeling Rule.<sup>19</sup> It appears that Hytron primarily objects to the Appliance Labeling Rule because it requires labeling disclosures of incandescent lamps at 120 volts regardless of the lamp's design voltage, and because it requires the labeling of incandescent reflector lamps.<sup>20</sup>

The comments from two manufacturers (Philips and GE) and the trade association state that the Light Bulb Rule's disclosure requirements of light output, wattage, and life for general service incandescent light bulbs are unnecessary because of the uniform disclosure requirements for various types of competing lamp products in the Appliance Labeling Rule.<sup>21</sup> They recommend that the Commission repeal the Light Bulb Rule's disclosure requirements to avoid conflicts, multiple and overlapping requirements, and inconsistencies with the disclosure requirements of the Appliance Labeling Rule.

GE recommends that the Commission repeal the entire Light Bulb Rule.<sup>22</sup> It believes the Appliance Labeling Rule's requirements are better for today's modern products and consumers' information needs, and for advancing the energy efficiency goals of our modern day workplace. According to GE, retaining the Light Bulb Rule, in addition to the Appliance Labeling Rule, is inefficient and exposes manufacturers to a significant risk that they may fail to comply with both sets of Rules. Further, although the Light Bulb Rule requires that light bulbs be marked clearly and conspicuously with wattage and design voltage and the Appliance Labeling Rule does not, GE believes that such marking is a common industry practice that would not be affected by the rescission of the Light Bulb Rule. It states that this is a "sound business practice that reduces liability and gives consumers important information." Accordingly, GE marks many products that are not covered by the Light Bulb Rule with wattage, and, as appropriate, with design voltage.

NEMA states that lamp product manufacturers should be subject to only one set of lamp labeling and disclosure regulations, which would ensure

uniform disclosures of lamp product performance information to consumers. NEMA believes that the Appliance Labeling Rule represents the more comprehensive and modern approach to lamp labeling and that the disclosures required under the Appliance Labeling Rule fully and fairly inform consumers about lamp product performance.<sup>23</sup> It believes that the objectives of the Light Bulb Rule are fully served by the disclosures required by the Appliance Labeling Rule. For these reasons, NEMA recommends that the Commission repeal the Light Bulb Rule and retain the Appliance Labeling Rule as the sole federal labeling and disclosure requirements for lamp products.

NEMA also believes that repealing the Light Bulb Rule would not induce manufacturers to abandon their practice of inscribing wattage and design voltage on incandescent lamps and wattage on fluorescent lamps. NEMA states that manufacturers routinely mark their general service incandescent and fluorescent lamps, even those for which such marking is not required under federal labeling rules. Further, NEMA states that an international safety standard issued by the International Electrotechnical Commission ("IEC") (IEC 432-1, 1993) requires marking of wattage and voltage on general service incandescent lamps. NEMA, therefore, believes that manufacturers generally would continue the marking practices required by the Light Bulb Rule, even if the Commission repealed the Rule.

Philips strongly supports NEMA's position. Philips, however, also states that the best alternative would be for the Commission to repeal the Light Bulb Rule, and to modify the Appliance Labeling Rule to include the requirements of paragraph 409.1(c) (which requires disclosures in connection with product comparison claims about lamp cost or cost of light), but without requiring disclosure of the lamp cost or cost of replacement, and paragraph 409.1(d) (which requires disclosures in connection with claims that a light bulb will give more light, maintain brightness longer or furnish longer life) of the Light Bulb Rule.<sup>24</sup> Philips believes that adding these disclosure requirements would strengthen the Appliance Labeling Rule.

#### *B. Current Need for the Light Bulb Rule*

The Commission has compared the requirements of the Light Bulb Rule and the Appliance Labeling Rule, analyzed the bases for both Rules explained in the Light Bulb Rule SBP and the Appliance

Labeling Rule/Lamps SBP, and reviewed the comments filed in response to the request for comments in the regulatory review of the Light Bulb Rule. The requirements of the two Rules fall into three categories: (1) basic disclosures of performance information (light output, watts, and life); (2) substantiation based on testing for these disclosures; and (3) additional disclosures that must be made in conjunction with certain performance claims. Based on the Commission's comparison, analysis, and review, the Commission believes there may not be a continuing need for the Light Bulb Rule and proposes repealing the Rule for the following reasons.

First, the requirements in the Light Bulb Rule that the basic disclosures of light output, watts, and life be made on package labels may be unnecessary because they are duplicated by the Appliance Labeling Rule. The Appliance Labeling Rule requires that this information also be disclosed in catalogs from which the products can be ordered. Further, it requires that these disclosures be made on labels and in catalogs for competing medium screw base compact fluorescent lamps and incandescent reflector lamps, as well as for light bulbs covered by the Light Bulb Rule. These disclosures, in conjunction with the required advisory statement about how consumers can select the most energy-efficient lamp that meets their needs, will give consumers the information they need at the point of sale to select the appropriate lamp product.<sup>25</sup>

Second, the requirement in the Light Bulb Rule that manufacturers mark bulbs with wattage and voltage information appears to be unnecessary. According to the comments, currently manufacturers voluntarily mark various types of lamp products with wattage and design voltage information so that consumers can use these lamp products safely. The Commission believes that the marketplace would provide incentives for manufacturers to continue marking this information on lamp products, even if the Commission repealed the Light Bulb Rule. The Commission, however, is particularly interested in receiving public comments concerning the continuing need for the requirement that manufacturers mark light bulbs with wattage and design voltage information, along with additional information regarding the

<sup>19</sup> Hytron, #5.

<sup>20</sup> The Commission does not have the authority to eliminate these requirements from the Appliance Labeling Rule. EPCA requires that labeling information for incandescent lamps under the Appliance Labeling Rule be based on operation at 120 volts. 42 U.S.C. 6294(a)(2)(C)(i). EPCA also defines the lamp products, including incandescent reflector lamps, that are to be covered by the lamp labeling rules under the Appliance Labeling Rule. 42 U.S.C. 6291(30), 6294(a)(2)(C)(i).

<sup>21</sup> Philips, #7; GE, #8; and NEMA, #9.

<sup>22</sup> GE, #8.

<sup>23</sup> NEMA, #9.

<sup>24</sup> Philips, #7.

<sup>25</sup> In addition, the Appliance Labeling Rule's format requirements for the disclosure of basic performance data on labels and in catalogs obviate the need for the specific type size and placement requirements of the Light Bulb Rule for package labels.

specific requirements of IEC international safety standard (IEC 432-1, 1993) and its application.

Third, the Light Bulb Rule's substantiation requirements may be unnecessary because these requirements are duplicated in the Appliance Labeling Rule. The requirement in the Appliance Labeling Rule that the basic disclosures be based on "a reasonable basis consisting of competent and reliable scientific tests substantiating the representation" is sufficient to ensure the accuracy and uniformity of the disclosures for competing lamp products. Further, based on the evidence in the rulemaking proceeding for the Appliance Labeling Rule, it appears that the test protocols required by the Light Bulb Rule are consistent with IES test protocols that the Appliance Labeling Rule recognizes as sufficient to satisfy its reasonable basis standard for the disclosures of light output and life.<sup>26</sup> However, the Appliance Labeling Rule provides manufacturers flexibility to use other scientific test protocols if they are competent and reliable.

Fourth, the Light Bulb Rule requires that labels, ads, and other promotional materials that make comparison claims about savings in light bulb cost or cost of operation,<sup>27</sup> or claims that a light bulb will give more light, maintain brightness longer, or furnish longer life,<sup>28</sup> also include certain disclosures about the advertised light bulb and the bulb to which it is compared. The disclosures may be unnecessary or inappropriate, for the following reasons:

(1) Under the Appliance Labeling Rule, light output and life information must be disclosed in labels and catalogs even if the Light Bulb Rule is repealed. The Appliance Labeling Rule requires that labels and catalogs for incandescent "A" type bulbs, as well as for competing medium screw base compact fluorescent lamps and incandescent reflector lamps, disclose light output, wattage, and life, along with an advisory statement about how the consumer can select the lamp product that will cost the least to operate for a specific light output. This information enables consumers to evaluate comparison light output and lifetime claims for competing products at the point of sale and to select the appropriate lamp that meets their needs.

(2) Under the Appliance Labeling Rule, claims about cost of operation of a covered lamp product in labels, point-of-sale printed materials, and catalogs must be accompanied by disclosures of

the assumptions on which the claims are based (e.g., purchase price, unit cost of electricity, hours of use, patterns of use). These disclosures, along with the advisory statement and the disclosures of light output, wattage, and life, for competing lamp products on product labels and in catalogs give consumers the information they need at the point of purchase to evaluate comparison claims about savings in cost of operation.

(3) Purchase price information is readily available to consumers at the point of sale (both in retail stores and in catalogs). Thus, consumers have information at the point of sale to evaluate comparison claims about lamp product purchase costs.

(4) Unit electrical cost information is readily available to consumers on their monthly electric utility bills or from their electrical utility companies. Consumers can use this information, along with the advisory statement and the disclosures of basic performance information on packages and catalogs, to evaluate any comparison operating cost claims.

The Appliance Labeling Rule does not contain a disclosure requirement similar to the Light Bulb Rule covering claims that a light bulb will maintain brightness longer. It also does not require that disclosures about product comparison claims be made in advertisements or promotional materials other than labels, point-of-sale printed materials, or catalogs. The Commission does not currently have information about the occurrence of brightness claims and whether the Light Bulb Rule's requirements continue to be important. In addition, the Commission does not presently have information to evaluate how extensively product comparison claims are made in advertisements and other promotional materials not covered by the Appliance Labeling Rule. Thus, the significance of repealing these portions of the Light Bulb Rule is unclear, and the Commission is particularly interested in comments about the continued need for these requirements.

Repealing these Light Bulb Rule disclosure requirements would prevent the Commission from obtaining civil penalties for the failure to make these disclosures. But, the Commission believes it would not seriously impair the Commission's ability to act effectively. The Commission could address any significant problems that might arise concerning specific performance claims or a failure to disclose material purchase information on a case-by-case basis, administratively, under section 5 of the

FTC Act, 15 U.S.C. 45, or through section 13(b) actions, 15 U.S.C. 53(b), filed in federal district court. Prosecuting serious misrepresentations and the failure to disclose material information in district court allows the Commission to obtain injunctive relief as well as equitable remedies, such as redress or disgorgement.

### III. Rulemaking Procedures

The Commission finds that the public interest will be served by using expedited procedures in this proceeding. First, there do not appear to be any material issues of disputed fact that are necessary for the Commission to resolve in determining whether to repeal the Rule. Second, the use of expedited procedures will support the Commission's goal of eliminating obsolete or unnecessary regulations without an undue expenditure of resources, while ensuring that the public has an opportunity to submit data, views and arguments on whether the Commission should repeal the Rule.

The Commission, therefore, has determined, pursuant to 16 CFR 1.20, to use the procedures set forth in this notice. These procedures include: (1) publishing this Notice of Proposed Rulemaking; (2) soliciting written comments on the Commission's proposal to repeal the Rule; (3) holding an informal hearing, if requested by interested parties; (4) obtaining a final recommendation from staff; and (5) announcing final Commission action in a document published in the Federal Register.

### IV. Request for Comments

Interested persons are requested to submit written data, views or arguments on any issue of fact, law or policy they believe may be relevant to the Commission's decision on whether it should repeal the Light Bulb Rule in its entirety, or, as an alternative, whether it should repeal those portions that are duplicated by the Appliance Labeling Rule and retain some or all of the remaining provisions. The Commission requests that commenters provide representative factual data in support of their comments. Individual firms' experiences are relevant to the extent they typify industry experience in general or the experience of similar-sized firms. Comments opposing the proposed repeal of the Rule should explain the reasons they believe the Rule is still needed and, if appropriate, suggest specific alternatives. Proposals for alternative requirements should include reasons and data that indicate why the alternatives would better protect consumers from unfair or

<sup>26</sup> 59 FR at 25200 n. 251.

<sup>27</sup> See Part I.B, *supra*.

<sup>28</sup> *Id.*



deceptive acts or practices under section 5 of the FTC Act, 15 U.S.C. 45.

Below, the Commission identifies specific questions for which it solicits public comment. The questions are designed to assist the public and should not be construed as limiting the issues on which public comment may be submitted. All written comments should state clearly the question or issue that the commenter is addressing. The Commission has placed the comments submitted in response to the April 6, 1995, notice on the public record of this proceeding. Commenters whose views have not changed and who wish to rely on their previous comments may do so and need not file an additional comment at this time. Previous commenters who have additional information or views, however, may wish to submit a comment in response to this notice.

Before taking final action, the Commission will consider all written comments timely submitted to the Secretary of the Commission and testimony given on the record at any hearings scheduled in response to requests to testify. Written comments submitted will be available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and Commission regulations, on normal business days between the hours of 8:30 a.m. to 5:00 p.m. at the Federal Trade Commission, Public Reference Room, Room H-130, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580, telephone number 202/326-2222.

#### *Questions for Comment*

(1) In what manner and to what extent would repealing the Light Bulb Rule affect the specific benefits consumers or other purchasers derive from the Light Bulb Rule beyond the benefits they derive from the Appliance Labeling Rule?

(2) In what manner and to what extent would repealing the Light Bulb Rule affect or relieve the specific burdens experienced by manufacturers or other sellers that are due to the Light Bulb Rule beyond any burdens or costs that are incurred in complying with the Appliance Labeling Rule?

(3) Are there any other federal or state laws or regulations, or private industry standards, in addition to the Appliance Labeling Rule, that apply to the labeling, testing, or advertising of lamp products covered by the Light Bulb Rule?

(a) If so, what are those federal or state laws or regulations, or private industry standards, and what do they require?

(b) If so, to whom do they apply?

(4) Are there any current federal, state, or local laws or regulations, or private industry standards, in addition to the Light Bulb Rule, that require lamp products to be marked with wattage or voltage information?

(a) If so, what are these federal, state, or local laws or regulations, or private industry standards, and what specific markings do they require?

(b) If so, to whom do they apply?

(5) Do manufacturers or other sellers currently make comparison claims about lamp product cost, cost of light, cost of operation, amount of light, brightness, or length of life?

(a) If so, who currently makes these claims?

(b) If so, what claims and disclosures do they make?

(c) If so, what medium (e.g., advertisements, point-of-sale printed materials) do they use in making these claims and disclosures?

(d) If so, are the comparisons valid ones?

#### *V. Requests for Public Hearings*

Because there does not appear to be any dispute as to the material facts or issues raised by this proceeding and because written comments appear adequate to present the views of all interested parties, a public hearing has not been scheduled. If any person would like the Commission to schedule public hearings, he or she should address a request to present oral testimony to the Office of the Secretary, Federal Trade Commission, Room H-159, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580, telephone number 202-326-2506, as soon as possible but not later than March 7, 1996. All persons wishing to testify also must submit, on or before March 7, 1996, a written comment or statement that describes the issues on which the party wishes to testify and the nature of the testimony to be given.

#### *VI. Preliminary Regulatory Analysis*

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601-11, requires an analysis of the anticipated impact of the proposed repeal of the Rule on small businesses.<sup>29</sup> The analysis must contain, as applicable, a description of the

<sup>29</sup> Section 22 of the FTC Act, 15 U.S.C. 57b-3, also requires the Commission to perform "regulatory impact analyses" of a proposed rule, but only if the rule will have certain "significant" economic or regulatory effects. The Commission has determined that a preliminary regulatory analysis is not required by section 22 in this proceeding because the Commission has no reason to believe that repealing the Rule will have a "significant" economic or regulatory impact, either beneficial or detrimental, upon persons subject to the Rule or upon consumers.

reasons why action is being considered, the objectives of and legal basis for the proposed action, the class and number of small entities affected, the projected reporting, recordkeeping and other compliance requirements being proposed, any existing federal rules that may duplicate, overlap or conflict with the proposed action, and any significant alternatives to the proposed action that accomplish its objectives and, at the same time, minimize its impact on small entities.

A description of the reasons why action is being considered and the objectives of the proposed repeal of the Rule have been explained elsewhere in this Notice. Repeal of the Rule would appear to have little or no effect on any small business. The Commission is not aware of any existing federal laws or regulations that would conflict with repeal of the Rule.

For these reasons, the Commission certifies, pursuant to section 605 of RFA, 5 U.S.C. 605, that if the Commission determines to repeal the Rule that action will not have a significant impact on a substantial number of small entities. To ensure that no substantial economic impact is being overlooked, however, the Commission requests comments on this issue. After reviewing any comments received, the Commission will determine whether it is necessary to prepare a final regulatory flexibility analysis.

#### *VII. Paperwork Reduction Act*

The Light Bulb Rule imposes third-party disclosure requirements, which are described in Part I.B, above, that constitute "information collection requirements" under the Paperwork Reduction Act ("PRA"), 44 U.S.C. 3501 *et seq.* Accordingly, repeal of the Rule would eliminate any burdens on the public imposed by these disclosure requirements that are not duplicated by the Appliance Labeling Rule.

#### *VIII. Additional Information for Interested Persons*

##### *A. Motions or Petitions*

Any motions or petitions in connection with this proceeding must be filed with the Secretary of the Commission.

##### *B. Communications by Outside Parties to Commissioners or Their Advisors*

Pursuant to Rule 1.18(c) of the Commission's Rules of Practice, 16 CFR 1.18(c), communications with respect to the merits of this proceeding from any outside party to any Commissioner or Commissioner's advisor during the course of this rulemaking shall be



subject to the following treatment. Written communications, including written communications from members of Congress, shall be forwarded promptly to the Secretary for placement on the public record. Oral communications, not including oral communications from members of Congress, are permitted only when such oral communications are transcribed verbatim or summarized at the discretion of the Commissioner or Commissioner's advisor to whom such oral communications are made, and are promptly placed on the public record, together with any written communications relating to such oral communications. Memoranda prepared by a Commissioner or Commissioner's advisor setting forth the contents of any oral communications from members of Congress shall be placed promptly on the public record. If the communication with a member of Congress is transcribed verbatim or summarized, the transcript or summary will be placed promptly on the public record.

Authority: Section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a.

#### List of Subjects in 16 CFR Part 405

Advertising, Consumer protection, Energy conservation, Labeling, Lamp products, Trade practices.

By direction of the Commission.

Donald S. Clark,  
Secretary.

[FR Doc. 96-2431 Filed 2-5-96; 8:45 am]

BILLING CODE 6750-01-P

## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 404

#### Notice of Briefing on Proposal To Cycle Payment of Social Security Benefits

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Notice of Briefing on Proposal to Cycle Payment of Social Security Benefits.

**SUMMARY:** Historically, Social Security benefits generally have been paid on the 3rd of the month. As a result of SSA's ongoing efforts to improve service to our customers, we published a Notice of Proposed Rulemaking (NPRM) in the Federal Register on January 26, 1996 at 61 FR 2654 announcing that the Commissioner of Social Security is proposing to establish additional payment days throughout the month on which Social Security benefits will be paid. Current beneficiaries will not be affected by this proposal. In the NPRM

we stated that we planned to host an informational briefing on payment cycling for representatives of groups and organizations, and any others, who are interested in the initiative. This notice announces the time and place of the briefing.

The briefing session will be designed to provide details and to answer questions on how SSA proposes to implement payment cycling. Members of the public who would like to attend the session must reserve space by contacting SSA's Office of Communications ahead of time by calling (410) 965-4001 or telefaxing (410) 966-4871.

The session is not designed to take public comments on the NPRM. Comments on the NPRM should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, MD 21235, sent by telefax to (410) 966-2830, sent by E-Mail to "regulations@ssa.gov," or delivered to the Division of Regulations and Rulings, Social Security Administration, 3-B-1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Your comments must be received by March 26, 1996 to be considered.

**DATES:** February 15, 1996, 1:30 p.m.-3:00 p.m.

**ADDRESSES:** Social Security Administration, Universal South Building, Room 729, 1825 Connecticut Avenue, N.W., Washington, D.C. 20009.

**FOR FURTHER INFORMATION CONTACT:** Connee Sheckler, SSA, Office of Communications, (410) 965-1885.

Dated: January 31, 1996.

Joan Wainwright,  
Associate Commissioner for Communications.

[FR Doc. 96-2524 Filed 2-5-96; 8:45 am]

BILLING CODE 4190-29-P

## DEPARTMENT OF JUSTICE

### 28 CFR Part 35

#### Nondiscrimination on the Basis of Disability in State and Local Government Services

**AGENCY:** Department of Justice.

**ACTION:** Notice of extension of deadline for public comment.

**SUMMARY:** On November 27, 1995, the Department of Justice published in the Federal Register (60 FR 58462) a proposed rule to amend the Department's regulation implementing title II of the Americans with

Disabilities Act to clarify the requirement for installation of curb ramps at existing pedestrian walkways. The period for accepting comments on the proposed rule was to end on January 26, 1996. Due to the government shutdown and the Department's resulting inability to receive and process requests for copies of the proposed rule, the comment period is extended.

**DATES:** The comment period is extended through March 1, 1996.

**ADDRESSES:** Written comments on the proposed rule published on November 27, 1995, should be sent to: John L. Wodatch, Chief, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, Rulemaking Docket 007, P.O. Box 65485, Washington, DC 20035.

**FOR FURTHER INFORMATION CONTACT:** Janet Blizard, (202) 307-0663. The ADA Information Line, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, Washington, DC 20530, (800) 514-0301 (voice), (800) 514-0383 (TTY). These telephone numbers are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** The proposed rule published in the Federal Register on November 27, 1995, (60 FR 58462) would amend the regulation of the Department of Justice implementing title II of the Americans with Disabilities Act to clarify the requirement for installation of curb ramps at existing pedestrian walkways. The proposal would extend the time period for compliance to January 26, 2000, for curb ramps serving State and local government facilities, transportation, places of public accommodation, other places of employment, and at the residences of individuals with disabilities. It would extend the time period for providing curb ramps at existing pedestrian walkways in other areas until January 26, 2005, and it would require public entities to include a schedule for the implementation of these requirements in their transition plans.

The proposed rule provided that comments should be received prior to January 26, 1996, and that comments received after that closing date would be considered only to the extent practicable. From December 16, 1995, through January 5, 1996, Federal government employees were furloughed, which forced the closing of the ADA Information Line and prevented the Disability Rights Section from receiving or processing requests for copies of the proposed rule. Due to the extended furlough, the Department is extending the comment period to ensure

that all interested parties have an adequate opportunity to comment.

To be assured of consideration, comments must be in writing and must be received on or before March 1, 1996. Comments that are received after the closing date will be considered to the extent practicable.

Dated: January 24, 1996.

Deval Patrick,

*Assistant Attorney General.*

[FR Doc. 96-2299 Filed 2-5-96; 8:45 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### 30 CFR Chapter II

RIN 1010-AB57

#### Meetings of the Indian Gas Valuation Negotiated Rulemaking Committee

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of meetings.

**SUMMARY:** The Secretary of the Department of the Interior (Department) has established an Indian Gas Valuation Negotiated Rulemaking Committee (Committee) to develop specific recommendations with respect to Indian gas valuation under its responsibilities imposed by the Federal Oil and Gas Royalty Management Act of 1982, (FOGRMA). The Department has determined that the establishment of this Committee is in the public interest and will assist the Agency in performing its duties under FOGRMA.

**DATES:** The Committee will have meetings on the dates and the times shown below:

Tuesday, March 12, 1996—9:30 a.m. to 5 p.m.

Wednesday, March 13, 1996—8 a.m. to 5 p.m.

Thursday, March 14, 1996—8 a.m. to 5 p.m. and if needed,

Friday, March 15, 1996—8 a.m. to 3 p.m.

**ADDRESSES:** The meetings will be held in the Building 85 Auditorium at the Denver Federal Center, located at West 6th Avenue and Kipling Streets, Lakewood, Colorado.

Written statements may be submitted to Mr. Donald T. Sant, Deputy Associate Director for Valuation and Operations, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS-3100, Denver, CO 80225-0165.

**FOR FURTHER INFORMATION CONTACT:** Mr. Donald T. Sant, Deputy Associate Director for Valuation and Operations, Minerals Management Service, Royalty

Management Program, P.O. Box 25165, MS 3100, Denver, CO 80225-0165, telephone number (303) 231-3899, fax number (303) 231-3194.

**SUPPLEMENTARY INFORMATION:** The location and dates of future meetings will be published in the Federal Register. The meetings will be open to the public without advanced registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the Committee for its consideration.

Written statements should be submitted to the address listed above. Minutes of Committee meetings will be available for public inspection and copying 10 days after each meeting at the Denver Federal Center address. In addition, the materials received to date during the input sessions are available for inspection and copying at the Denver Federal Center address.

Dated: January 29, 1996.

James W. Shaw,

*Associate Director for Royalty Management.*

[FR Doc. 96-2335 Filed 2-5-96; 8:45 am]

BILLING CODE 4310-MR-P

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### 32 CFR Part 838

#### Air Force Systems Command Contractor Performance Assessment

**AGENCY:** Department of the Air Force, Department of Defense.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** On March 15, 1990, the Department of the Air Force published (at 55 FR 9733) a proposed rule to amend 32 CFR by revising Part 838. This proposed rule is withdrawn. For further information, see Air Force rule on 32 CFR Part 838 published elsewhere in this publication.

**FOR FURTHER INFORMATION CONTACT:** Maj Bratten, SAF/AQS, 1060 Air Force Pentagon, Washington DC 20330-1060, telephone (703) 697-6400.

Patsy J. Conner,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 96-2515 Filed 2-5-96; 8:45 am]

BILLING CODE 3910-01-P

## DEPARTMENT OF EDUCATION

### 34 CFR Part 361

RIN 1820-AB12

#### The State Vocational Rehabilitation Services Program

**AGENCY:** Department of Education.

**ACTION:** Notice of public meetings.

**SUMMARY:** The Assistant Secretary announces a series of public meetings to solicit public comments regarding the proposed regulations published in the Federal Register on December 15, 1995 (60 FR 64476) for The State Vocational Rehabilitation Services Program.

The purpose of the meetings is to allow interested parties an opportunity to review and comment on the proposed regulations, especially as these regulations interpret or clarify statutory requirements of the Rehabilitation Act Amendments of 1992 and 1993 pertaining to The State Vocational Rehabilitation Services Program.

**DATES:** Meetings will be held in Washington, D.C., on February 16, 1996, in San Francisco, California, on February 20, 1996, and in Dallas, Texas, on February 22, 1996.

All written comments must be received on or before February 23, 1996. This is the closing date for comments under the notice of proposed rulemaking published on December 15, 1995 (60 FR 64476).

**ADDRESSES:** The meetings will be held at the following locations:

1. Washington, D.C.—U.S. Department of Education, Barnard Auditorium, Room 2413, Federal Office Building 10B (FB-10B), 600 Independence Avenue, S.W., Washington, D.C.

2. San Francisco, California—U.S. Department of Education, Federal Office Building, Room 506, 50 United Nations Plaza, San Francisco, California.

3. Dallas, Texas—City of Dallas, Park and Recreation Department, Bachman Recreation Center, 2750 Bachman Drive, Dallas, Texas.

Individuals who cannot attend the meeting are invited to send in written comments regarding the proposed regulations. Comments received after the due date for comments will not be considered.

Written comments should be addressed to Fredric K. Schroeder, Commissioner, Rehabilitation Services Administration, U. S. Department of Education, 600 Independence Avenue, S.W., Room 3028, Mary E. Switzer Building, Washington, D.C. 20202-2531. Comments transmitted by facsimile

should be sent to (202) 205-9772 or (202) 260-7527. Comments can be transmitted in an electronic format either through the electronic bulletin board system (BBS) of the Rehabilitation Services Administration (RSA) or through internet. The internet address is "State VR@ed.gov". The access number for the RSA BBS is (202) 205-5574 for low speed (2400 BPS or lower) modems and (202) 401-6174 for high speed (9600 BPS and higher) modems. Comments can also be transmitted to the RSA BBS through Fedworld via internet using the telnet command. Telnet to: "Fedworld.gov". All comments transmitted in an electronic format should be sent to the following RSA BBS mailbox: "RSADPPES". To facilitate the analysis of comments, electronic transmission of comments is preferred. Also, comments should be specific and identified by proposed regulatory citation.

**FOR FURTHER INFORMATION CONTACT:** Persons desiring to participate in the meetings or seeking additional information should contact Beverlee Stafford, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3014, Mary E. Switzer Building, Washington, D.C. 20202-2531. Telephone (202) 205-8831. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 205-5538.

**SUPPLEMENTARY INFORMATION:** The State Vocational Rehabilitation Services Program is authorized by Title I of the Rehabilitation Act of 1973, as amended (the Act) (29 U.S.C. 701-744). This program provides support to each State to assist it in operating a comprehensive, coordinated, effective, efficient, and accountable State program to assess, plan, develop, and provide vocational rehabilitation services to individuals with disabilities so that those individuals may prepare for and engage in gainful employment, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, and informed choice. The program supports the National Education Goal that, by the year 2000, every adult American, including individuals with disabilities, will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

The proposed regulations published on December 15, 1995, are needed to implement changes to the Act made by the Rehabilitation Act Amendments of 1992, enacted on October 29, 1992, as amended by the 1993 technical amendments. The preamble to the

proposed regulations contains a lengthy analysis of the issues addressed by the proposed regulations.

**Availability of Copies of the Proposed Regulations:** The proposed regulations can be accessed through the RSA Bulletin Board System (BBS) by calling the following access number: (202) 205-9694. If you experience any difficulty in accessing the BBS, please contact either John Chapman at (202) 205-9290 or Teresa Darter at (202) 205-8444, co-system operators (sysops), for assistance. For those individuals unable to access the BBS, copies of the proposed regulations are available in regular print, large print, and computer diskette (WordPerfect 5.1 and ASCII formats) by calling (202) 205-8831. A limited number of copies in braille are also available.

**Meeting Information:** Meetings will be held in Washington, D.C., San Francisco, California, and Dallas, Texas. Individuals desiring to present comments at the meetings are encouraged to reserve a time on the agenda. Individuals will be allowed between five and seven minutes to present comments. The amount of time available will depend upon the number of individuals who request reservations. Reservations will be accepted on a first-come, first-served basis. Given the level of response expected, individuals should make reservations as soon as possible. When making reservations, individuals must indicate the need for any special accommodations, including sign language interpreters. While reservations are not needed for those individuals who wish to attend the meetings but do not want to make formal comments, reservations are encouraged to facilitate the participant's access into the proceedings held in Federal buildings. The meetings are open to the public, and the meeting rooms and proceedings will be accessible for individuals with disabilities.

The meeting in Washington, D.C., will be held on February 16, 1996, from 10:00 a.m. to 3:00 p.m. The location for the meeting is the U.S. Department of Education, Barnard Auditorium, Room 2413, Federal Office Building 10B (FB-10B), 600 Independence Avenue, S.W., Washington, D.C. Please note that the accessible entrance to the building is located on Maryland Avenue. Photo identification is required to enter the Federal building, and reservations are encouraged to facilitate access. For reservations for the meeting in Washington, D.C., please call Beverlee Stafford at (202) 205-8831.

The meeting in San Francisco, California, will be held on February 20,

1996, from 1:00 p.m. to 6:00 p.m., at the U.S. Department of Education, Federal Office Building, Room 506, 50 United Nations Plaza, San Francisco, California. Photo identification is needed to enter the Federal building, and reservations are encouraged to facilitate access. For reservations for the meeting in San Francisco, California, please call Gilbert "Doc" Williams at (415) 556-7333.

The meeting in Dallas, Texas, will be held on February 22, 1996, from 1:00 p.m. to 6:00 p.m., at the City of Dallas, Park and Recreation Department, Bachman Recreation Center, 2750 Bachman Drive, Dallas, Texas. For reservations for the meeting in Dallas, Texas, please call Loerance Deaver at (214) 767-2961.

(Authority: 29 U.S.C. 701)

Dated: January 31, 1996.

Judith E. Heumann,

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 96-2400 Filed 2-5-96; 8:45 am]

BILLING CODE 4000-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[MO-24-1-7047b; FRL-5317-8]

### Approval and Promulgation of Implementation Plans; State of Missouri

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** Missouri submitted a rule which would allow the operating permit monitoring data, including stack, process and ambient monitoring, to be used directly for compliance certifications and enforcement. In the final rules' section of the Federal Register, the EPA is approving the state's State Implementation Plan revision as a direct final rule without prior proposal, because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties

interested in commenting on this document should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing by March 8, 1996.

**ADDRESSES:** Comments may be mailed to Joshua A. Tapp, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Joshua A. Tapp at (913) 551-7606.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule which is located in the rules section of the Federal Register.

Dated: October 2, 1995.

William Rice,

*Acting Regional Administrator.*

[FR Doc. 96-2378 Filed 2-5-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[RT-16-01-6673b; A-1-FRL-5337-7]

#### Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; NSR and PSD Revisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Rhode Island for the purpose of meeting requirements of the Clean Air Act (CAA), as amended in 1990, with regard to New Source Review in areas that have not attained the National Ambient Air Quality Standards (NAAQS). In addition, EPA is proposing to approve revisions pertaining to the State's Prevention of Significant Deterioration (PSD) program and other miscellaneous requirements. In general, these revisions make the Rhode Island PSD program more consistent with current Federal requirements. In the Final Rules Section of this Federal Register, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule

based on this action serving as a proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Comments must be received on or before March 7, 1996.

**ADDRESSES:** Comments may be mailed to Susan Studlien, Acting Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment, at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, S.W., (LE-131), Washington, D.C. 20460; and the Division of Air and Hazardous Materials, Department of Environmental Management, 291 Promenade Street, Providence, RI 02908-5767.

**FOR FURTHER INFORMATION CONTACT:** Brendan McCahill, (617) 565-3566.

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule which is located in the Rules Section of this Federal Register.

Authority: 42 U.S.C 7401-7671q.

Dated: September 11, 1995.

John P. DeVillars,

*Regional Administrator, Region I.*

[FR Doc. 96-2227 Filed 2-5-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 81

[FRL-5412-6]

#### Designation of Areas for Air Quality Planning Purposes; South Dakota; Approval of Redesignation Request

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, the EPA is proposing to approve the State of South Dakota's October 12, 1995 request to redesignate the "Rest of State" area designated under section 107 of the Clean Air Act (Act), which includes the entire State of South Dakota except the Rapid City area, from unclassifiable to attainment for PM-10. In the final rules section of this Federal Register, the EPA is acting on the State's request in a direct final rule without prior proposal

because the Agency views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for the action is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, then the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Comments on this proposed action must be received in writing by March 7, 1996.

**ADDRESSES:** Written comments should be addressed to Vicki Stamper, 8ART-AP, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations: Air Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466; and South Dakota Department of Environment and Natural Resources, Division of Environmental Regulation, Joe Foss Building, Pierre, South Dakota 57501.

**FOR FURTHER INFORMATION CONTACT:** Vicki Stamper, 8ART-AP, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2466, (303) 312-6445.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final rule of the same title which is located in the Rules Section of this Federal Register.

Dated: January 23, 1996.

Jack W. McGraw,

*Acting Regional Administrator.*

[FR Doc. 96-2498 Filed 2-5-96; 8:45 am]

BILLING CODE 6560-50-P

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[MM Docket No. 96-4, RM-8733]

#### Radio Broadcasting Services; Salem and Cherokee Village, AR

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making

filed on behalf of Bragg Broadcasting Corporation, licensee of Station KSAR(FM), Channel 240A, Salem, Arkansas, and KFCM, Inc., licensee of Station KFCM(FM), Channel 265A, Cherokee Village, Arkansas, proposing the substitution of Channel 265A for Channel 240A at Salem and modification of the license for Station KSAR(FM) accordingly. To accommodate the Salem modification, petitioner requests the substitution of Channel 252A for Channel 265A at Cherokee Village and concomitant modification of the license for its co-owned Station KFCM(FM). Coordinates for Channel 265A at Salem, AR, are 36-25-00 and 91-48-00; coordinates for Channel 252A at Cherokee Village, AR, are 36-16-29 and 91-30-18. As the petitioner's modification proposals seek equivalent channel substitutions, we will not accept competing expressions of interest for the use of Channel 265A at Salem, Arkansas, or for Channel 252A at Cherokee Village, Arkansas.

**DATES:** Comments must be filed on or before March 21, 1996, and reply comments on or before April 8, 1996.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners' counsel, as follows: William J. Pennington, III, Esq., Post Office Box 1447, Mount Pleasant, SC 29464.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 96-4, adopted December 15, 1995, and released January 29, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments.

See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-2366 Filed 2-5-96; 8:45 am]

BILLING CODE 6712-01-F

#### 47 CFR Part 73

[MM Docket No. 96-3, RM-8735]

#### Radio Broadcasting Services; Imboden, AR

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of John J. Shields, requesting the allotment of FM Channel 289A to Imboden, Arkansas, as that community's first local aural transmission service. Coordinates used for this proposal are 36-14-45 and 91-13-09.

**DATES:** Comments must be filed on or before March 21, 1996 and reply comments on or before April 8, 1996.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Dan J. Alpert, Law Offices of Dan J. Alpert, 2120 N. 21st Rd., Suite 400, Arlington, VA 22201.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 96-3, adopted December 15, 1995, and released January 29, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-2365 Filed 2-5-96; 8:45 am]

BILLING CODE 6712-01-F

#### DEPARTMENT OF DEFENSE

#### Department of the Air Force

#### 48 CFR Chapter 53, Appendix A

#### Air Force Logistics Command Federal Acquisition Regulation Supplement; Vendor Rating System

**AGENCY:** Department of the Air Force, Department of Defense.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** On October 24, 1990, the Department of the Air Force published (at 55 FR 42863) a proposed rule to amend chapter 53 of title 48 of the Code of Federal Regulations by adding the Air Force Logistics Command (AFLC) Federal Acquisition Regulation Supplement as Appendix A, consisting of parts AFLC 5317 and AFLC 5352, Vendor Rating System. The proposed vendor rating system did not fully comply with Federal Acquisition Regulation (FAR) past performance requirements. To update this system to comply with the FAR would be prohibitively expensive. Based on this, the vendor rating system is canceled and the proposed rule is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Capt D. Behne, HQ AFMC/PAK, 4375 Chidlaw Road, Suite 6, Wright Patterson AFB, OH 45433-5006, telephone (513) 257-6005.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96-2516 Filed 2-5-96; 8:45 am]

BILLING CODE 3910-01-P

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17**

RIN 1018-AD62

**Endangered and Threatened Wildlife and Plants; Reopening of Comment Period for Proposed Establishment of a Nonessential Experimental Population of California Condors in Northern Arizona****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) provides notice that the public comment period is reopened for the proposal to designate a nonessential experimental population of California condors (*Gymnogyps californianus*) in northern Arizona and southern Utah. This population is proposed to be designated as a nonessential experimental population in accordance with section 10(j) of the Endangered Species Act (Act) of 1973, as amended. The reopening of the comment period will allow all interested parties to submit written comments on the proposal.

**DATES:** The comment period which originally closed February 1, 1996, now closes February 29, 1996.

**ADDRESSES:** Written comments should be sent to the Supervisor, Ecological Services Field Office, U.S. Fish and Wildlife Service, 2321 W. Royal Palm Road, Suite 103, Phoenix, Arizona 85021. Comments and materials received will be available for public inspection, by appointment, during normal business hours, at the above Service address.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey A. Humphrey, at the above address, telephone 602/640-2720; facsimile 620/640-2730.

**SUPPLEMENTARY INFORMATION:****Background**

The Service, in cooperation with the Arizona Game and Fish Department, and the U.S. Bureau of Land Management, proposes to reintroduce California condors (*Gymnogyps californianus*) into northern Arizona. This reintroduction will achieve a primary recovery goal for this endangered species, establishment of a second noncaptive population, spatially disjunct from the noncaptive population in southern California. Section 10(j) of the Endangered Species Act of 1973

(Act) enables the Service to designate certain populations of federally-listed species that are released into the wild as "experimental." This designation can increase the Service's flexibility to manage a reintroduced population. Section 10(j) allows an experimental population to be treated as a threatened species regardless of its designation elsewhere in its range and under section 4(d) of the Act. The Service has greater discretion in developing management programs for threatened species than it has for endangered species.

Nonessential experimental populations located outside National Wildlife Refuges or National Park Service lands are treated, for the purpose of section 7 of the Act, as if they are proposed for listing. The area proposed for nonessential experimental designation occurs in northern Arizona, southern Utah and southeastern Nevada.

A proposed rule to designate a nonessential experimental population of California condors was published in the Federal Register (61 FR 35) on January 2, 1996.

Pursuant to 50 CFR 424.16(c)(2), the Service may extend or reopen a comment period upon finding that there is good cause to do so. Full participation of the affected public in the species listing process, allowing the Service to consider the best scientific and commercial data available in making a final determination on the proposed action, is deemed as sufficient cause.

The previous comment period on this proposal closed on February 1, 1996. With the publication of this notice, the Service reopens the public comment period. Written comments may now be submitted until February 29, 1996, to the Service office in the ADDRESSES section.

**Author**

The primary author of this notice is Jeffrey A. Humphrey (see ADDRESSES).

**Authority**

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531-1544).

Dated: January 30, 1996.

Lynn B. Starnes,

Acting Regional Director, Region 2, Fish and Wildlife Service.

[FR Doc. 96-2471 Filed 2-5-96; 8:45 am]

BILLING CODE 4310-55-P

**50 CFR Part 17**

RIN 1018-AD45

**Endangered and Threatened Wildlife and Plants; Proposal to Designate the Whooping Cranes of the Rocky Mountains as Experimental Nonessential and to Remove Whooping Crane Critical Habitat Designations From Four Locations****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) proposes to designate the whooping crane population (*Grus americana*) in the Rocky Mountains as an experimental nonessential population and to remove whooping crane critical habitat designations from four national wildlife refuges; Bosque del Apache in New Mexico, Monte Vista and Alamosa in Colorado, and Grays Lake in Idaho. The private lands involved are holdings inside refuge boundaries and a 1-mile buffer around Grays Lake National Wildlife Refuge. The Service proposes to use this population, and captive-reared sandhill cranes and whooping cranes, in experiments to evaluate methods for introducing whooping cranes into the wild where migration is required.

**DATES:** Comments from all interested parties must be received by April 8, 1996.

**ADDRESSES:** Comments and materials concerning this proposal should be sent to Dr. James Lewis, Southwest Regional Office, 500 Gold Avenue SW, Room 4000, Albuquerque, New Mexico 87103-1306. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Dr. James Lewis (See ADDRESSES section above) at telephone 505/248-6663; or facsimile 505/248-6922.

**SUPPLEMENTARY INFORMATION:****Background**

The Endangered Species Act Amendments of 1982, Pub. L. 97-304, added a new section 10(j) to the Endangered Species Act (Act) of 1973 (16 U.S.C. 1531 *et seq.*) that provides for the designation of specific introduced populations of listed species as "experimental populations." Under other authority of the Act, the Service already was permitted to reintroduce populations into unoccupied portions of the historic range of a listed species when it would foster the conservation

and recovery of the species. However, local opposition to reintroduction efforts, based on concerns about the restrictions and prohibitions on private and Federal activities contained in sections 7 and 9 of the Act, hampered efforts to use reintroductions as a management tool.

Under section 10(j) of the Act, past and future reintroduced populations established outside the current range of a species may be designated as "experimental." Such designations increase the Service's flexibility to manage such populations because they may be treated as threatened species, which allows more discretion in devising management programs than for endangered species, especially regarding incidental and other takings. Experimental populations "nonessential" to the continued existence of the species are to be treated as if they were only proposed for listing for purposes of section 7 of the Act, except as noted below.

A "nonessential" experimental population is not subject to the formal consultation requirement of section 7(a)(2) of the Act, except that the full protections accorded a threatened species under section 7 apply to individuals found on units of the National Wildlife Refuge System or the National Park System. Section 7(a)(1) of the Act, which requires Federal agencies to carry out programs to conserve listed species, applies to all experimental populations. Individuals to be reintroduced into an experimental population can be removed from an existing source or donor population only if such removal is not likely to jeopardize the continued existence of the species; a permit issued in accordance with 50 CFR 17.22 is also required.

An experiment to reintroduce whooping cranes to historic range in the Rocky Mountains began in 1975, testing the "cross-fostering" technique of placing whooping crane eggs in nests of greater sandhill cranes. On May 15, 1978, whooping crane critical habitat was designated in four areas to benefit the whooping cranes being reintroduced into the Rocky Mountains (43 FR 20938).

Section 10(j) requires the Secretary of the Interior to determine whether populations already reintroduced in 1982 were experimental and essential to the continued existence of the species. The population which migrates between the Gulf Coast of Texas and Northwest Territories, Canada, (Aransas/Wood Buffalo Population) then contained 73 birds (including 17 pairs). The only captive flock (at Patuxent Wildlife

Research Center) contained 35 birds but only 5 egg-laying females. The whooping crane population in the Rocky Mountains (Rocky Mountain Population) contained 14 birds, was increasing through releases, and breeding was expected in the near future. It appeared the reintroduction might soon be an operational success rather than an experiment and the Service considered the population essential to existence of the species. Consequently, the Service did not designate the Rocky Mountain Population as experimental when the Act amendments first provided that opportunity.

Since that time, however, the cross-fostering program was terminated because the birds were not pairing and the mortality rate was too high to establish a self-sustaining population. Currently only four nonbreeding adults remain in the Rocky Mountain region. At the same time, the total population of whooping cranes has increased to approximately 260 individuals. The wild population now numbers approximately 163 individuals, including 43 experienced breeding pairs. Four captive populations have also been established with approximately 96 whooping cranes, including 14 breeding pairs and another 21 pairs expected to begin breeding over the next few years. These are among the factors discussed below that allow the Secretary to now find the Rocky Mountain Population no longer essential to the continued existence of the species.

The Service proposes removing whooping crane critical habitat designations from four national wildlife refuges; Bosque del Apache in New Mexico, Monte Vista and Alamosa in Colorado, and Grays Lake in Idaho. The only private lands involved are private holdings inside refuge boundaries and a 1-mile buffer around Grays Lake National Wildlife Refuge. These critical habitats were established to provide food, water and other nutritional or physiological needs of the whooping crane; particularly potential nesting, rearing and feeding habitat at Grays Lake, roosting and feeding habitat during migration through Alamosa and Monte Vista, and winter roosting and feeding habitat at Bosque del Apache. If critical habitat designations are rescinded and the Rocky Mountain Population is designated as nonessential, section 7(a)(1) of the Act will still apply to Federal agencies and both sections 7(a)(1) and 7(a)(2) as required for "threatened species," will apply on National Wildlife Refuges. Federal agencies will still be required to

carry out programs to conserve this population and the Act's consultation and the National Wildlife Refuge System Refuge compatibility requirements will still apply on National Wildlife Refuges.

The proposed actions involve the following States and Service Regions—Pacific Region (Idaho), Southwest Region (Arizona and New Mexico), and Mountain-Prairie Region (Colorado, Montana, Utah, and Wyoming). The principal use areas of this population are the middle Rio Grande Valley of New Mexico, the lower San Luis Valley of Colorado, and summering areas in southeastern Idaho and western Wyoming. Southeastern Arizona, northeastern Utah, southwestern Montana, northwestern Colorado, and northern New Mexico are only occupied temporarily during migration or infrequently by a single whooping crane in summer or winter. The portion of the middle Rio Grande Valley involved includes a few miles on either side of the Rio Grande ranging from the town of Belen, New Mexico, to Bosque del Apache National Wildlife Refuge, 15 miles south of Socorro, New Mexico. The portion of the San Luis Valley involved is 15 miles on either side of a line running north-northwest from Capulin, Colorado, to Saguache, Colorado.

On March 11, 1967, (32 FR 4001) and again on June 2, 1970, (35 FR 8495) the whooping crane was listed as endangered. Its status resulted from hunting and specimen collection, human disturbance, and conversion of the primary nesting habitat to hay, pastureland, and grain production (Allen 1952) in the 19th and early 20th centuries. The whooping crane is in the family Gruidae, Order Gruiformes, and is the tallest bird in North America. Males approach 1.5 meters (96 inches) in height and captive adult males average 7.3 kilograms (16 pounds), and females 6.4 kilograms (14 pounds). Adult plumage is snowy white except for black primaries, black or grayish alulae, sparse black bristly feathers on the carmine crown and malar region, and a dark gray-black wedge-shaped patch on the nape.

Adults are potentially long-lived with an estimated maximum longevity in the wild of 22 to 24 years (Binkley and Miller 1980) and 27 to 40 years in captivity (McNulty 1966). Mating is characterized by monogamous life-long pair bonds. Individuals remate following death of a mate. Fertile eggs are occasionally produced at 3 years of age, but more typically at 4 years of age (Ernie Kuyt, Canadian Wildlife Service, pers. comm. 1991). Experienced pairs



may not breed every year, especially when habitat conditions are poor. Whooping cranes ordinarily lay two eggs. They will reneest if their first clutch is destroyed or lost before mid-incubation (Kuyt 1981). Although two eggs are laid, whooping cranes infrequently fledge two chicks.

The whooping crane first appeared in fossil records from the early Pleistocene (Allen 1952) and probably was most abundant during that 2-million-year epoch. They once occurred from the Arctic Sea to the high plateau of central Mexico, and from Utah east to New Jersey, South Carolina, and Florida (Allen 1952). In the 19th century, the principal breeding range extended from central Illinois northwest through northern Iowa, western Minnesota, northeastern North Dakota, southern Manitoba, and Saskatchewan to the vicinity of Edmonton, Alberta. Some nesting occurred at other sites such as western Wyoming in the 1900's (Allen 1952, Kemsies 1930). A nonmigratory population still existed in southwestern Louisiana in the 1940's (Allen 1952, Gomez 1992). Through the use of two independent techniques of population estimation, Banks (1978) derived estimates of 500 to 700 whooping cranes in 1870. By 1941, the migratory population contained only 16 individuals.

Whooping cranes currently exist in three wild populations and four captive locations, totalling 260 individuals. The largest captive population of 41 birds, including nine breeding pairs, is located near Laurel, Maryland. Another six pairs here should begin producing eggs in the next 3 years. This site was staffed and administered by the Service as Patuxent Wildlife Research Center until October 1993 when it became part of National Biological Service and was renamed Patuxent Environmental Science Center. A captive flock of 31 birds is maintained by the Service at the International Crane Foundation (Foundation), a private foundation near Baraboo, Wisconsin. The Foundation flock contains five breeding pairs and another five pairs that should enter production in the next 3 years. A third captive site is being developed in Calgary, Alberta, Canada, at the Calgary Zoo Ranch. This flock, under the oversight of the Canadian Wildlife Service, contains 19 cranes transferred from captive flocks in the United States (1991–1995). Ten pairs at Calgary should begin breeding by late this decade. Two pairs are maintained at the San Antonio Zoological Gardens and Aquarium in San Antonio, Texas, and should begin breeding in the next few years.

The Aransas/Wood Buffalo Population, the only self-sustaining natural wild population, contains 133 individuals that nest in the Northwest Territories and adjacent areas of Alberta, Canada, primarily within the boundaries of Wood Buffalo National Park. The migration route is similar in spring and fall. It passes through northeastern Alberta, south-central Saskatchewan, northeastern Montana, western North Dakota, western South Dakota, central Nebraska and Kansas, west-central Oklahoma, and east-central Texas. These birds winter along the central Texas Gulf of Mexico coast at Aransas National Wildlife Refuge and adjacent areas. Whooping cranes adhere to ancestral breeding areas, migratory routes, and wintering grounds, leaving little possibility of pioneering into new regions. The Aransas/Wood Buffalo Population can be expected to continue utilizing its current nesting location with little likelihood of expansion, except on a local geographic scale. The flock recovered from a population low of 16 birds in 1941, and now contains 131 individuals. Forty-five pairs nested in 1993, but of a potential 43–46 pairs, only 28 pairs nested in 1994, due to a late winter and possibly to poor food conditions on their wintering grounds. This was the first time in over 50 years that such a high percentage of the potential pairs failed to nest. This population remains vulnerable to destruction through a natural catastrophe (hurricane), a red tide outbreak, or contaminant spill, due primarily to its limited wintering distribution along the intracoastal waterway of the Texas coast (Service 1994).

The reintroduced population in Florida consists of 26 subadult captive-produced whooping cranes released in 1993–1995, in the Kissimmee Prairie. In this experimental effort designed to develop a nonmigratory self-sustaining population designated as experimental nonessential, annual releases of 20 or more birds have been planned for up to 7 more years. Project success will be evaluated annually (58 FR 5647; January 22, 1993).

The whooping crane population of the Rocky Mountains is proposed to be designated a nonessential experimental population according to the provisions of section 10(j) of the Act. The Service further proposes to rescind the designation of whooping crane critical habitat in Colorado, Idaho, and New Mexico. The Rocky Mountain Population consists only of a male and three female adult cross-fostered cranes surviving from an experiment to establish a migratory, self-sustaining

population. These birds are termed cross-fostered because they were reared by sandhill cranes at Grays Lake National Wildlife Refuge, a 8,900-hectare marsh in southeastern Idaho.

These cranes winter in the middle Rio Grande Valley of New Mexico at Belen State Game Refuge and Bosque del Apache National Wildlife Refuge from November–February. In February–March, they migrate north to south-central Colorado where they spend 4–6 weeks in the San Luis Valley before continuing north into southeastern Idaho and western Wyoming. The main crane use area in the valley is Monte Vista National Wildlife Refuge, 10 kilometers south of the town of Monte Vista. The whooping cranes spend April–September on their summer grounds in southeastern Idaho and western Wyoming. In September–October, before migration, they flock with sandhill cranes at Grays Lake and other wetlands and pastures before migrating southeast through northeastern Utah and western Colorado where they remain in the San Luis Valley for 4–6 weeks. They migrate through northern New Mexico and arrive at the wintering area in early November.

From 1975–1988, 289 eggs were transferred in the reintroduction experiment (including 73 eggs from the captive flock at Patuxent); 210 hatched, and 85 chicks fledged (Drewien et al. 1989). Population growth was slow due to small numbers of fertile eggs in some years and high mortality of young before fledging. The losses of chicks and fledged individuals, and the absence of breeding, resulted in a peak population of only 33 individuals in winter 1984–85.

By 1985, biologists began to suspect the absence of pairing might be due to improper sexual imprinting, particularly by female whooping cranes. Sexual imprinting of a foster-reared species on the foster-parent species had been confirmed in raptors, waterfowl, gulls, finches, and gallinaceous birds (Bird et al. 1985, Immelmann 1972). Older female whooping cranes frequently did not return in spring to Grays Lake or other areas occupied by males on their territories. In 1981, 1982, and 1989, captive-reared adult female whooping cranes were released at Grays Lake to enhance pairing activities and determine if adult males recognize conspecifics as mates. These experiments indicated that some cross-fostered males recognized conspecific females as appropriate mates. Improper sexual imprinting behavior seemed to be stronger in the cross-fostered females than in the males.



An experiment to test for improper sexual imprinting due to foster rearing among crane species occurred at the Foundation in 1987 (Mahan and Simmers 1992). Sandhill cranes were foster-reared by red-crowned cranes (sample  $n=1$ ), white-naped cranes ( $n=2$ ), and Siberian cranes ( $n=1$ ). They were then observed from the age of 12 to 24 months, the period when pairing typically begins in sandhill cranes. They were placed in pens adjacent to an opposite-sexed, same-aged bird of the foster species on one side and an opposite-sexed, same-age conspecific on the other side. Each test bird socialized more with the foster species than with a conspecific and the preference was most apparent for females. A cross-fostered young would have to prefer a conspecific in order to obtain an appropriate mate. Thus, the cross-fostering technique does not appear to be suitable for reintroducing a crane to historical habitat.

The cross-fostering experiment was ended because these birds were not pairing and the mortality rate was too high to continue (Garton et al. 1989). Several experiments to encourage pair formation were carried out from 1986 through 1992 without success (Service 1994). By fall of 1994, cross-fostered adult female whooping cranes of ages 4 through 13 years had passed through a nesting season on 42 occasions without pairing. In 1992, a wild male cross-fostered whooping crane and female sandhill crane paired and produced a hybrid chick. This pairing is believed to be a consequence of improper sexual imprinting which resulted from the cross-fostering process. This is the first known instance of cross-species pairing despite frequent association of these two species in North America.

The cross-fostered cranes exhibited various parental behaviors on summer territories at Grays Lake and in a pen nearby. These activities and chick adoptions at the United States captive facilities suggested that some cross-fostered whooping cranes might adopt or bond with and rear a whooping crane chick. Such bonding experiments could occur in open pens with wild-captured adults and would theoretically result in a captive-reared juvenile imprinted on conspecifics and exhibiting some wild qualities. Wild cross-fostered adults were captured and placed with chicks in pens. When the young reached fledging age, all birds were released to the wild to learn from their foster parents where to migrate and spend the winter. This approach was tested without significant success in 1993 and 1994.

The United States Whooping Crane Recovery Plan was approved January 23, 1980, and revised December 23, 1986, and February 11, 1994. In 1985, the Director-General of the Canadian Wildlife Service and the Director of the Service signed a Memorandum of Understanding entitled "Conservation of the Whooping Crane Related to Coordinated Management Activities." The Memorandum of Understanding was revised and signed in 1990, and is scheduled for renewal in 1995. It discusses cooperative recovery actions, dispositions of birds and eggs, population restoration and objectives, new population sites, international management, recovery plans, and consultation and coordination. All captive whooping cranes and their future progeny are jointly owned by the Service and Canadian Wildlife Service and both nations are involved in recovery decisions.

The recovery plan's criteria for downlisting the whooping crane from the endangered to threatened category require maintaining a population level in excess of 40 pairs in the Aransas/Wood Buffalo Population and establishing two additional, self-sustaining populations each consisting of at least 25 nesting pairs (Service 1994). The experimental reintroduction underway in Florida, if successful, would provide the first additional population. The first priority for establishing the second reintroduction population is a migratory flock within historic nesting habitat in the prairie provinces of Canada (Edwards et al. 1994). The Canadian Wildlife Service and provincial wildlife agencies are cooperating in field studies to identify such a release area. By late in this decade the three principal captive flocks should be capable of producing enough whooping cranes to simultaneously support reintroduction in Florida and Canada, but there is no technique for introducing captive-reared cranes in a migratory situation so they will use an appropriate migration route and wintering location.

The Service proposes to use wild whooping cranes of the Rocky Mountain Population and captive-reared sandhill cranes and whooping cranes to evaluate methods of introducing captive-reared whooping cranes into a wild migratory situation. The research proposed within the range of the Rocky Mountain Population is needed to identify a technique for establishing a wild migratory population of whooping cranes in Canada. Such a technique is essential if the Service is to achieve recovery goals for downlisting (Task 31 of the Whooping Crane Recovery Plan;

Service 1994—58). The requirements of the National Environmental Policy Act and the section 7 requirements of the Act have been fulfilled for the proposed action.

The Rocky Mountains are the preferred location for research on techniques for establishing a migratory flock because a small experimental population has been present there for 20 years. A large data base on whooping crane and sandhill crane habitats and behaviors exists for this area which provides a comparative baseline for future research in the same geographical area. The Service prefers to avoid experimentation in other United States areas of the historic migratory range until late in this decade when a reintroduction site is selected in Canada. The Act and National Environmental Policy Act requirements are fulfilled for those portions of the United States that would be involved as migration and winter areas.

Adult cranes teach their young where to migrate and spend the winter. A promising topic of research in the Rocky Mountains is the use of ultralight aircraft to teach captive-reared cranes an appropriate migration route and wintering area. In 1993, Mr. Bill Lishman reared Canada geese in Ontario, trained them to follow an ultralight aircraft, and in fall led 18 on a 600 kilometer route to Virginia where they spent the winter. The following spring at least 13 returned to Ontario on their own initiative. In 1994, Mr. Kent Clegg reared six sandhill cranes and taught them to follow an ultralight aircraft in local flights within Idaho. As the next step in this research Mr. Clegg proposes in 1995 to rear a group of sandhill cranes and lead them in fall migration from southeastern Idaho to Bosque del Apache National Wildlife Refuge in New Mexico. If successful with sandhill cranes, the technique would then be tested in 1996, with 6–8 captive-reared whooping cranes. Research may be required on some alternative technique if experimentation with ultralight aircraft indicates it is not a promising reintroduction technique for the Canadian site.

The Rocky Mountain Population qualifies as being nonessential to the continued existence of the whooping crane because:

(1) The four cross-fostered whooping cranes of the Rocky Mountain Population are not breeding and all members will likely die in the next 10 years. They are not contributing to the long-term existence of the species in the wild. None of the cross-fostered whooping cranes have paired and they appear to be behaviorally sexually

neutered. Loss of such individuals will not deter recovery of the species.

(2) There are approximately 110 whooping cranes in captivity at four discrete locations and about 150 whooping cranes elsewhere at two locations in the wild. This species has been protected against the threat of extinction from a single catastrophic event by gradual recovery of the Aransas/Wood Buffalo Population (average increase of 4.6 percent per year for the past 50 years (Mirande *et al.* 1993)), and by increase and management of the cranes at the captive sites. If the average growth rate continues the Aransas/Wood Buffalo Population will reach 500 by about 2020. The standard deviation in growth is almost double the mean growth so in some years the population will decline temporarily, although long-term growth continues to be good. Captive-produced birds which die during the experiments can be replaced through captive breeding or by transfer of eggs from the wild population in Canada. Eggs have been transferred to captivity from the Aransas/Wood Buffalo Population for building the captive flocks or experimental reintroductions since 1967. The wild population has continued to grow during this interval despite the egg transfers. Since 1985, biologists involved in the egg transfer have endeavored to ensure that one viable egg remains in each nest. Such egg switching within the Park provides infertile pairs the opportunity to raise a chick. These egg switches have increased flock growth and the potential for species recovery by an estimated 16–19 percent (Kuyt, pers. comm. 1991). Whooping cranes of the Aransas/Wood Buffalo Population have the highest long-term recruitment rate (13.9 percent) of any North American crane population (Drewien *et al.* 1995).

Egg and chick production doubled in the captive flocks in 1992, and continued to increase in 1993 and 1994. Production of fertile eggs by captive birds increased 66 percent in 1994. Within the captive population there also are 23 young pairs expected to enter the breeding component of the population over the next 5 years. Wild- and captive-flock increases illustrate the potential of the species to replace individual birds which might die during the experimentation.

(3) The repository of genetic diversity for the species will be the approximately 260 wild and captive whooping cranes mentioned in (2) above. Any birds selected for research on reintroduction techniques in a migratory situation will be as genetically redundant as practical,

hence any loss of reintroduced animals in the experiments will not significantly impact the goal of preserving maximum genetic diversity in the species.

(4) Research in the Rocky Mountain Population will further the conservation of the species. Such research is essential to recovery and downlisting the species to threatened status. The beneficial result of identifying a suitable reintroduction technique for placing captive-produced whooping cranes in a migratory circumstance outweigh any negative effects of the experiments. If a suitable reintroduction technique is identified it will expedite recovery and downlisting/delisting of the whooping crane.

#### Management

##### *Effect on the Rocky Mountain Population*

After captive-reared whooping cranes are released to the wild in the proposed experiments, the Service does not propose to recover and return them to captivity. Avian tuberculosis has been a significant disease problem among whooping cranes in the Rocky Mountains and is very difficult to detect. To protect captive flocks from this disease, the Service will not take a whooping crane from the wild and place it in captive flocks. Wild birds also pose a greater danger because; (1) self-inflicted injury may occur as they attempt to escape, (2) potential injury to caretakers, and (3) they are more prone to injury when handled for health checks.

The release of six or more captive-reared whooping cranes in 1996 into this population may slightly prolong its existence. The numbers proposed, including small additional numbers if additional research is required, will be far below the numbers required to have any substantial effect on survival of the population. The additional birds in the wild will provide some viewing opportunities for bird watchers, and some enjoyment for those participating in the annual crane festivals at Monte Vista, Colorado, and Socorro, New Mexico.

##### *Potential Conflicts*

The release of additional whooping cranes in the Rocky Mountains will not alter sandhill crane hunting activities along the migration pathway and wintering sites. Sandhill cranes and snow geese (*Chen caerulescens*) are species that look somewhat like whooping cranes. Hunters of these species might misidentify a whooping crane and shoot it, believing it is a legal target. Sandhill cranes are hunted in

some areas and precautions are taken to reduce the likelihood that whooping cranes might be mistaken for sandhill cranes and shot. Sandhill crane hunting is not permitted in Idaho and Colorado nor on the national wildlife refuges involved in this proposed rule. Sandhill crane hunting is permitted in the middle Rio Grande Valley of New Mexico, in northeastern Utah, and a small area in southwestern Wyoming and has occurred for these cranes and snow geese for the past decade without causing the known loss of a whooping crane within the Rocky Mountain Population. In New Mexico the whooping cranes generally stay on Bosque del Apache National Wildlife Refuge or State game refuges during fall/winter.

##### *Special Handling*

Under the proposed special regulation, which is promulgated under authority of section 4(d) of the Act, and which accompanies this proposed rule for experimental population designation, Federal and State employees and agents would be authorized to relocate whooping cranes to avoid conflict with human activities and relocate whooping cranes that have moved outside the appropriate release areas when removal is necessary or requested. Research activities may require capture in the wild of cross-fostered or captive-reared and released whooping cranes. These individuals will be captured using the night-lighting technique which has been used successfully to capture 269 cranes without injury (Drewien and Clegg 1992). Cranes utilized in the experiments will be equipped with a legband-mounted radio telemetry or satellite transmitter and periodically monitored to assess movements. They will be checked for mortality or indications of disease (listlessness, social exclusion, flightlessness, or obvious weakness).

##### *Mortality*

Although efforts will be made to reduce mortality, some will inevitably occur as captive-reared birds adapt to the wild. Collision with powerlines and fences, predators, and disease are known hazards to wild whooping cranes in the Rocky Mountains. Human-caused mortality will be minimized through public education. The Service anticipates the proposed actions may affect the whooping crane due to the potential death of one or more wild, cross-fostered and captive-reared individuals during the experiments. Such losses are not unique to this experiment, but could result during

normal life experiences of wild whooping cranes and of whooping cranes retained in captivity. Standard avicultural precautions taken in shipping, handling, and capture, should keep losses to a minimum. Recently released whooping cranes will need protection from natural sources of mortality (predators, disease, inadequate foods) and from human-caused sources of mortality. Natural mortality will be reduced through prerelease conditioning, gentle release, and vaccination. Human-caused mortality will be minimized through conservation education programs.

#### *Health Care*

As a consequence of the proposed experiments, disease could be transferred from a captive facility to the wild. Precautions taken to ensure that no disease is transferred will be those measures approved in previous transfers when the captive whooping crane flock was split between Patuxent and the Foundation; when birds were shipped from 1992–1994, to Calgary Zoo Ranch to start the captive flock for Canadian Wildlife Service; and when birds were transferred for the reintroduction to the wild in Florida. Health screening procedures have been developed for release of captive-reared whooping cranes in the wild and have proven effective in avoiding disease or parasite transfers in multiple shipments in 1993 and 1994. Such techniques have proven effective in previous transfers between captive sites and between captive sites and the wild.

#### *Captive Facilities*

Facilities for captive maintenance of the birds were constructed for earlier studies and are designed similar to facilities at Patuxent and the Foundation. They conform to standards set forth in Animal Welfare Act. To further ensure the well-being of birds in captivity and their suitability for release to the wild, the pens will include water where the cranes can feed and roost.

#### *Coordination With Agencies and Interested Parties*

In October 1992, the Canadian and United States Whooping Crane Recovery Teams recommended uses for the cross-fostered whooping cranes surviving in the Rocky Mountain Population. Both teams suggested using the remaining birds in further experimentation. Information about the recovery teams' recommendations was mailed to the involved Service Regions, States, and special interest groups for their review and comments.

In February 1993, the Southwest Region of the Service sent a memorandum to the State wildlife agency director in each of the affected States; the chairman and members of the Central Flyway Technical Committee; the crane subcommittee of the Pacific Flyway Council; representatives of the National Audubon Society; the president and trustees of the Whooping Crane Conservation Association; to managers of national wildlife refuges involved; and to crane festive groups in Socorro, New Mexico, and Monte Vista, Colorado, requesting their views on actions being considered for the Rocky Mountain Population of whooping cranes. In addition, Technical Committees of the Pacific and the Central Flyway Councils expressed opinions on the actions. Some recipients responded by mail and others provided only verbal comments by telephone.

Refuge managers at the three locations anticipated no problem with removal of the critical habitat designation and changing the designation to experimental nonessential. All involved States, the Pacific Flyway crane subcommittee, the Central Flyway Technical Committee, the Central Flyway Council, and the Pacific Flyway Council favored the change in designation. The Whooping Crane Conservation Association and Chairman of the Crane Festival in Colorado supported the changes. National Audubon Society representatives expressed mild concern about possible increased hazards in whooping cranes as a consequence of the experimental designation but favored additional experimentation.

A majority of the responses supported taking some birds into captivity and endorsed further experimentation. The Service then decided in 1993, to leave all the birds in the wild so there would be a greater likelihood of having sufficient birds for experimentation. Whenever the research is completed, a majority of the respondents favor leaving some of the whooping cranes in the wild for public education, viewing, and research.

The Canadian Wildlife Service endorses the actions described in this proposed rule. The members of the Canadian Whooping Crane Recovery Team and the United States Whooping Crane Recovery Team, professional biologists working with State, provincial, Federal, and private groups have expertise in research or management of cranes, also endorse the changes. The Whooping Crane Conservation Association and World Wildlife Fund-Canada provided funding

support for the guide bird experimentation in 1993 and 1994, indicating their endorsement of such experimental efforts and uses of the Rocky Mountain whooping cranes.

On June 24, 1993, the Service announced the availability of the draft revised recovery plan for the whooping crane for review and comment (58 FR 34269). Review copies were mailed to the involved States, Federal agencies, special interest groups, and others. The plan described further proposed experimentation with the Rocky Mountain Population. Favorable comments were received on the plan and all comments were supportive of the proposed research.

#### *Public Comments Solicited*

Comments or recommendations concerning any aspect of this proposed rule are hereby invited (see **ADDRESSES** section) from State, public, and government agencies, the scientific community, industry, or any other interested party. Comments should be as specific as possible. Final promulgation of a rule to implement this proposed action will take into consideration the comments for any additional information received by the Service. Such communications may lead to a final rule that differs from this proposal.

#### *National Environmental Policy Act*

An Environmental Assessment prepared under the authority of the National Environmental Policy Act of 1969, is available to the public at the Service Office identified in the **ADDRESSES** section. The Service determined that this action is not a major Federal action that would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act (implemented at 40 CFR parts 1500–1508).

#### *Required Determinations*

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Based on the information discussed in this rule concerning public projects and private activities within the experimental population area, significant economic impacts will not result from this action. Also, no direct costs, enforcement costs, information collection, or record keeping requirements are imposed on small entities by this action, and the rule contains no record keeping requirements, as defined under the

Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This rule does not require a Federalism assessment under Executive Order 12612 because it would not have any significant federalism effects as described in the order.

The Service has determined that this action would not involve any taking of constitutionally protected property rights that require preparation of a takings implication assessment under Executive Order 12630.

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#### Author

The primary author of this document is Dr. James Lewis (See **ADDRESSES** section above) at telephone 505/248-6663; or facsimile 505/248-6922.

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

#### Proposed Regulation Promulgation

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

#### PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

2. Section 17.11(h) is amended by revising the entry for "Crane, whooping" under BIRDS, to read as follows:

#### § 17.11 Endangered and threatened wildlife.

\* \* \* \* \*

(h) \* \* \*

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules.
Common name	Scientific name						
* BIRDS	*	*	*	*	*		*
* Crane, Whooping ....	* <i>Grus Americanus</i> ....	* Canada, U.S.A. (Rocky Mountains East to Carolinas) Mexico.	* Entire, except where listed as an experimental population.	* E	* 1.3	* 17.95(b)	* NA
Do .....	.....do .....	.....do .....	U.S.A. (FL) .....	XN	487	NA	17.84(h)
Do .....	.....do .....	.....do .....	U.S.A. (CO, ID, NM, UT, WY).	XN		NA	17.84(h)
* 	* 	* 	* 	* 	* 		* 

3. Section 17.84 is amended by revising paragraphs (h)(1), (h)(3), (h)(4)(ii), and adding paragraphs (h)(8)(i) and (h)(8)(ii) to read as follows:

#### § 17.84 Special rules—vertebrates.

\* \* \* \* \*

(h) \* \* \*

(1) The whooping crane populations identified in paragraphs (h)(8)(i) and

(h)(8)(ii) of this section are nonessential experimental populations.

\* \* \* \* \*

(3) Any person with a valid permit issued by the Fish and Wildlife Service (Service) under § 17.32 may take

whooping cranes in the wild in the experimental population area for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, and other conservation purposes consistent with the Act and in accordance with applicable State fish and wildlife conservation laws and regulations.

(4) \* \* \*

(ii) Relocate a whooping crane that has moved outside the Kissimmee Prairie or the Rocky Mountain range of the experimental population when removal is necessary or requested;

\* \* \* \* \*

(8) Geographic areas that nonessential experimental populations inhabit include the following—

(i) The entire State of Florida. The reintroduction site will be the Kissimmee Prairie portions of Polk, Osceola, Highlands, and Okeechobee counties. Current information indicates that the Kissimmee Prairie is within the historic range of the whooping crane in Florida. There are no other extant populations of whooping cranes that could come into contact with the experimental population. The only two extant populations occur well west of the Mississippi River. The Aransas/Wood Buffalo National Park population nests in the Northwest Territories and adjacent areas of Alberta, Canada primarily within the boundaries of the Wood Buffalo National Park, and winters along the Central Texas Gulf of Mexico coast at Aransas National Wildlife Refuge. Whooping cranes adhere to ancestral breeding grounds leaving little possibility that individuals from the extant population will stray into Florida or the Rocky Mountain Population. Studies of whooping cranes have shown that migration is learned rather than innate behavior. The experimental population released at Kissimmee Prairie is expected to remain within the prairie region of central Florida; and

(ii) The State of Colorado, Idaho, New Mexico, Utah, and the western half of Wyoming. Birds in this area do not come in contact with whooping cranes of the Aransas/Wood Buffalo Population.

\* \* \* \* \*

#### § 17.95 [Amended]

4. Section 17.95(b) is amended by deleting the maps and descriptions of critical habitat for the whooping crane in the States of Idaho, Colorado and New Mexico.

Dated: October 20, 1995.  
George T. Frampton, Jr.,  
Assistant Secretary for Fish and Wildlife and Parks.  
[FR Doc. 96-2485 Filed 2-5-96; 8:45 am]  
BILLING CODE 4310-55-M

#### 50 CFR Part 17

RIN 1018-AC53

#### Endangered and Threatened Wildlife and Plants; Withdrawal of the Proposed Rule to List the Fish Virgin Spinedace as Threatened and Withdrawal of the Proposed Rule to Designate Critical Habitat for the Virgin Spinedace

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) withdraws the May 18, 1994, proposed rule (59 FR 25875) to list the fish Virgin spinedace (*Lepidomeda mollispinis mollispinis*) as a threatened species and also withdraws the portion of the April 5, 1995, proposed critical habitat designation for the Virgin spinedace (60 FR 17296). The Virgin spinedace, a small fish in the minnow family (Cyprinidae), is endemic to the Virgin River drainage of southwestern Utah, northwestern Arizona, and southeastern Nevada. The Virgin spinedace was once common to abundant in clear water tributaries of the Virgin River and in some mainstem reaches above Pah Tempe (La Verkin) Springs near Hurricane, Utah. It was also occasionally found in most reaches of the river below Pah Tempe Springs, with the exception of the mouth of Quail Creek and the mouth of Beaver Dam Wash, where Virgin spinedace were once reported common. Approximately 37 to 40 percent of Virgin spinedace historical habitat has been lost due to human impacts which include the introduction of nonnative fishes, dewatering for agricultural purposes, mining, and urban development. These impacts have resulted in habitat fragmentation and continue to threaten the existence of the Virgin spinedace.

Subsequent to publication of the proposed rule, the State of Utah developed the Virgin Spinedace Conservation Agreement and Strategy (Agreement) for the Virgin spinedace to ensure that conservation measures and recovery actions needed for the fish's continued existence are initiated and carried out. In June 1995, the eight signatory parties to the Agreement began implementation of the Agreement

and its associated strategy to reduce threats to the Virgin spinedace that otherwise would warrant its listing as a threatened species under the Endangered Species Act of 1973, as amended (Act). The Agreement will reestablish and maintain water flows required for the Virgin spinedace and will restore 50 percent of its lost historical habitat. On April 10, 1995, the Service's Salt Lake City Field Office received a letter from one of the petitioners, the Bonneville Chapter of the American Fisheries Society, stating that with the implementation of the Agreement the Virgin spinedace no longer warrants listing. The other petitioner, Southern Utah Wilderness Alliance, still supports listing of the Virgin spinedace because of concerns that the Agreement will not be fully implemented or recover the species.

**ADDRESSES:** The complete file for this rule is available for inspection, by appointment, during normal business hours at the Utah Field Office, Ecological Services, U.S. Fish and Wildlife Service, 145 East 1300 South, Suite 404, Salt Lake City, Utah 84115. The complete file for this rule also will be available for public inspection at the Washington County Public Library in St. George, Utah.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert D. Williams, Assistant Field Supervisor, Salt Lake City Field Office, at the above address, telephone (801) 524-5001.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Virgin spinedace belongs to one of three genera of a unique, endemic tribe of western cyprinids, the Plagopterini. Adult Virgin spinedace measure 80-120 mm (3-5 in) in length and have a broad, flat silvery body with a brassy sheen. They are usually found in clear, cool streams that are interspersed with pools, runs, and riffles. Rinne (1971) found that Virgin spinedace inhabited pools, often with undercut banks, debris, or boulders. The Virgin spinedace feeds primarily on aquatic insect life (Rinne 1971, Gregor and Deacon 1988, Angradi *et al.* 1991), and their feeding habits are dependent upon the types of food available. The Virgin spinedace is endemic to the Virgin River drainage, a tributary to the Colorado River of southwestern Utah, northwestern Arizona, and southeastern Nevada. The historical distribution of the Virgin spinedace is not well documented (Valdez *et al.* 1991). The species was probably common to abundant in tributaries of the Virgin River and some mainstem reaches above

Pah Tempe (La Verkin) Springs, near Hurricane, Utah (Holden *et al.* 1974). The Virgin spinedace was probably less abundant in the mainstem Virgin River below Pah Tempe Springs, with the exception of the mouths of Quail Creek and Beaver Dam Wash, where the Virgin spinedace was a common member of the fauna.

The proposal (59 FR 25875; May 18, 1994) to list the Virgin spinedace as threatened and a subsequent proposal (60 FR 17296; April 5, 1995) to designate critical habitat were based on the decline in the range of and continued threats to the species. The present distribution of Virgin spinedace is substantially smaller than its former range, with approximately 37 to 40 percent (83 kilometers (km) or 52 miles (mi)) of its habitat lost due to human impacts (Valdez *et al.* 1991, Addley and Hardy 1993). Much of this habitat loss has occurred recently. Approximately 60 percent of the habitat loss has occurred since the 1950's and is directly related to construction of dams and diversions in the Virgin River Basin (Dr. Craig Addley, Utah State University, *in litt.* 1994). Stream reaches that historically contained Virgin spinedace (but are now dewatered) include portions of the East Fork of Beaver Dam Wash, the Santa Clara River downstream of Gunlock Reservoir, Mogatsu Creek, Ash Creek near Toquerville, Leeds Creek, North Creek, and the mainstem Virgin River between Quail Creek Diversion and Pah Tempe Springs.

#### Previous Federal Action

On June 15, 1992, the Fish and Wildlife Service (Service) received a petition from the Bonneville Chapter of the American Fisheries Society to list the Virgin spinedace as an endangered species. On August 17, 1992, another petition to list the Virgin spinedace was received from the Southern Utah Wilderness Alliance. On March 16, 1993, the Service published notice (58 FR 14169) of a finding that the petitions presented substantial information indicating that listing of the Virgin spinedace may be warranted and requested comments and biological data on the status of the fish. On May 18, 1994, the Virgin spinedace was proposed for listing as a threatened species (59 FR 25875). The Service requested independent review of the listing package from three fish specialists. All three reviewers supported the listing of the Virgin spinedace as threatened and that the Service's finding was based on the best scientific information available. On April 5, 1995, the designation of critical

habitat was proposed for the Virgin spinedace, Virgin River chub (*Gila seminuda*), and woundfin (*Plagopterus argentissimus*) (60 FR 17296). On April 11, 1995, the Service signed the Agreement developed by the State of Utah.

#### Summary of Comments and Recommendations

In accordance with the July 1, 1994, Federal Register notice (59 FR 34270) which announced a statement of interagency cooperative policy for peer review of activities under the Act (16 U.S.C. 1531 *et seq.*), independent peer review was requested on the proposed listing of the Virgin spinedace as a threatened species. This review process is intended to complement the Service's existing public review process in listing and recovery, and to ensure that the best biological and commercial information is being used in the decision making process. According to policy, when listing a species the Service is required to (1) solicit the expert opinions of three appropriate and independent specialists regarding pertinent scientific or commercial data and assumptions relating to the taxonomy, population models, and supportive biological and ecological information for species under consideration for listing; (2) summarize in the final decision document (rule or notice of withdrawal) the opinions of all independent peer reviewers received on the species under consideration; and (3) include all such reports, opinions, and other data in the administrative record of the final decision.

The Service requested assistance in reviewing the listing package on the Virgin spinedace from three independent fish specialists. Specific questions addressed in the review included: (1) Does the listing package present the scientific information correctly?; and (2) Is the listing package biologically supportable? All three reviewers supported the listing of the Virgin spinedace as a threatened species, and agreed that the listing package presented the best scientific information available and that it was biologically supportable. Subsequent to the peer review process, the State of Utah established the Agreement for the Virgin spinedace, including conservation measures and recovery actions that will ensure the fish's survival.

In the May 18, 1994, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule to list the Virgin spinedace as a threatened

species. Appropriate Federal and State agencies, county governments, scientific organizations, and other interested parties were contacted and requested to comment. A notice inviting general public comment on the proposed listing was published in the following newspapers: *Salt Lake Tribune*/*Desert News*, *St. George Daily Spectrum*, *Las Vegas Review Journal*/*Las Vegas Sun*, *Kingman Daily Miner*, and the *Mesquite Desert Valley Times*. Requests to hold public hearings on the proposed listing were received from the Washington County Water Conservancy District, and from Congressman James H. Hansen's office (1st District, Utah). On June 30, 1994, the Service published a notice in the Federal Register (59 FR 33724) announcing the public hearing and extending the comment period until August 17, 1994. In addition to the Federal Register notice and announcements in newspapers, a letter was sent to all interested parties announcing the date of the public hearing and the extended closing date for public comment. The Service conducted a public hearing on July 13, 1994, in St. George, Utah and 19 parties presented testimony.

During the comment period, the Service received both written and oral comments from 41 parties, including the testimony presented at the public hearing. Comments were received from 1 Federal agency, 4 State agencies, 11 city or county governments, 22 private individuals or groups, and 3 representatives of the scientific community. Of the 41 comments received, 8 supported the proposed listing of the Virgin spinedace as a threatened species, 32 opposed the listing, and 1 comment was neutral. Written and oral statements from both the public hearing and the comment period are combined in the following discussion. In addition, information submitted by the commentators has been incorporated into this notice of withdrawal. Comments questioning the rule have been organized into specific issues. These issues and the Service's response to each are summarized as follows:

**Issue 1:** A number of respondents objected to the Service's failure to designate critical habitat concurrently with the listing of the Virgin spinedace, claiming that the requirements set forth in the Act for not designating critical habitat at the time of listing have not been met.

**Service Response:** Section 4(a)(3) of the Act requires that to the maximum extent prudent and determinable, the Secretary shall designate critical habitat at the time a species is determined to be

endangered or threatened. Service regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat at the time when a species is proposed for listing is not prudent when one or both of the following situations exist: (1) The species is threatened by taking or other human activity, and it is expected that identification of critical habitat will increase the degree of threat to the species; or (2) such designation of critical habitat is not beneficial to the survival of the species. The Service found that designation of critical habitat for the Virgin spinedace was not prudent at the time of its original listing (May 18, 1994). The primary intent of the Act is to provide for the conservation and continued existence of wild populations of endangered and threatened species and the ecosystems upon which they depend. The Service believed that an aquatic ecosystem approach to enacting conservation measures for the Virgin spinedace, the woundfin, and the Virgin River chub at the same time would provide greater benefit to each species than treating each species separately. Thus, the Service proposed designation of critical habitat for all three fishes in the same notice since their historical ranges overlap, their life history requirements are similar, the threats to each species are similar, and the economic consequences of designating critical habitat will be similar. On April 5, 1995, the Service proposed the designation of critical habitat for the woundfin, Virgin River chub, and Virgin spinedace (60 FR 17296) with the intention of finalizing this designation by no later than December 1, 1995. Concurrent with this notice withdrawing the proposed listing of the Virgin spinedace, the Service also withdraws that portion of designated critical habitat identified for the species in the April 5, 1995, Federal Register notice.

**Issue 2:** A number of commentors (32) stated that there was insufficient scientific evidence to justify the listing of the Virgin spinedace, and that there were not enough data available to document a true decline in population numbers.

**Service Response:** Section 4(a)(1) of the Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the following five factors: (1) The present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or

educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; and (5) other natural or human caused factors affecting its continued existence. Section 4 of the Act also states that after conducting a status review of a species, the determination to list a species must be based on the best available scientific and commercial information. The Service completed a status review of the Virgin spinedace when preparing the proposed rule and found evidence of real threats to the species. Valdez *et al.* (1991) and Addley and Hardy (1993) published their findings on the population status and distribution of the Virgin spinedace and their data were cited by the Service as support for the proposed listing of the Virgin spinedace as a threatened species.

**Issue 3:** Several commentors stated that listing was not warranted given the current conservation efforts, including the Agreement being developed by the State of Utah, and supported this Agreement in lieu of listing the species.

**Service Response:** The Service participated in the development of the Agreement and believes that its implementation will assist in the recovery of the species. Conservation measures outlined in the Agreement should help reduce actual and potential threats to the species. Therefore, the listing of the Virgin spinedace is not warranted at this time.

**Issue 4:** Several commentors stated that there is no evidence that habitat loss, a primary threat to the species, is still occurring and stated that the loss of historical habitat occurred decades ago.

**Service Response:** There are numerous reaches of the Virgin River within Virgin spinedace historical or current habitat that support existing or proposed commercial and noncommercial activities that may result in future habitat losses to the species. Examples of Federal projects which could have adverse effects upon Virgin spinedace habitat are: the Sandstone Reservoir, Pah Tempe Pipeline, Halfway Wash Project, Lake Powell Pipeline, water wheeling, water leasing, Washington Fields Pumpback, and dewatering of springs for municipal and industrial purposes. An evaluation of habitat loss over time has shown that approximately 68 percent of Virgin spinedace habitat loss has occurred in the last 45 years (Dr. Craig Addley, *in litt.* 1994). Actions, when implemented as part of the Agreement for the Virgin spinedace, will result in restoration of at least 50 percent of its historic habitat. If future projects impact Virgin spinedace habitat, the Agreement puts in place a mechanism for habitat restoration, thus

preventing further decrease in Virgin spinedace habitat.

**Issue 5:** One respondent stated that the decline in Virgin spinedace populations are a natural occurrence due to long term climatic changes. Therefore, the species should be allowed to go extinct since it cannot adapt to changes in the river system.

**Service Response:** In several reaches of the Virgin River where good habitat remains, there are healthy populations of Virgin spinedace. In the reaches of the river where habitat has been degraded, Virgin spinedace populations have declined. These declines are the result of direct threats to the species rather than due to "long term climatic changes."

**Issue 6:** One commentor stated that listing the Virgin spinedace would compromise efforts to manage and develop the region's water resources in compliance with State and Federal laws. Also, the "taking" provisions of section 9 of the Act unnecessarily undermine the efforts of local water users and State authorities to manage the waters of the State for the benefit of Utah citizens.

**Service Response:** The listing of the Virgin spinedace as a threatened species would not have modified or nullified any existing State or Federal water laws, nor would it have "taken" any existing water rights. The Service will consider State and Federal water laws and local water user rights when protecting and recovering the Virgin spinedace. Protective measures for listed species are provided for under sections 7 and 9 of the Act. The section 9 "takings" provisions of the Act are not intended to undermine State and local water usage, but to insure that species are not harmed. Under certain circumstances, section 10(a)(1)(B) of the Act allows permits to be issued to conduct otherwise prohibited activities involving listed species. Such permits provide for incidental taking of a species when in connection with an otherwise lawful activity.

**Issue 7:** One commentor stated that there is no evidence that Virgin spinedace occurred north of the Narrows on the Virgin River's North Fork or east of Parunaweap Falls on the Virgin River's East Fork. Thus, there is no evidence of Virgin spinedace habitat occurring in Kane County.

**Service Response:** There is no evidence that Virgin spinedace occurred north of the Narrows in the North Fork or east of Parunaweap Falls in the East Fork of the Virgin River. However, the Virgin spinedace is found in Shunes Creek, a tributary to the North Fork, and also in the East Fork from Parunaweap Falls to the confluence with the North



Fork. Both of these reaches are in Kane County, Utah.

**Issue 8:** Several commentors stated that, historically, many stretches of the Virgin River dried up during summer, including a stretch of the Virgin River's East Fork near Mt. Carmel Junction, and the Santa Clara River downstream of the St. George-Clara diversion. Consequently, there should be no instream flow requirements for these reaches of the river.

**Service Response:** Virgin spinedace historically did not occur in the Virgin River's East Fork near Mt. Carmel Junction. Listing of the species would not have dictated instream flow requirements for this juncture of the river. All instream flow requirements are addressed in the Agreement.

**Issue 9:** Several commentors stated that more research needed to be conducted on the Virgin spinedace before a decision to list the species can be made. Specifically, if the species has declined in numbers, there is insufficient evidence documenting the reasons for this decline. They also stated that no current threats to the species have been identified by researchers.

**Service Response:** Listing the Virgin spinedace would not have precluded further research efforts. Valdez *et al.* (1991) reported a 40 percent decline in Virgin spinedace habitat along with a reduction in population numbers. Declines in the numbers of Virgin spinedace have resulted from numerous threats to the species. Section 4 of the Act states that the determination to list a species must be based on the best available scientific and commercial information after conducting a status review of the species. The Service completed this review when preparing the proposed rule and found evidence of real threats to the species. Two recent publications (Valdez *et al.* 1991, Addley and Hardy 1993) assessed the population status and distribution of the Virgin spinedace. The Service relied upon this information, in part, to support the proposed listing of the Virgin spinedace as a threatened species.

**Issue 10:** One commentor suggested that, in lieu of listing, the Service should participate in the *Virgin River Management Plan* (Plan), a cooperative multiagency agreement calling for the maintenance of adequate water levels in the Virgin River, as set forth by the Washington County Water Conservancy District.

**Service Response:** The Plan addresses only a portion of Virgin spinedace habitat, since it was developed primarily for the Virgin River chub and woundfin habitat in the mainstem

Virgin River. Much of the Virgin spinedace habitat occurs in tributaries and subtributaries of the Virgin River which were not addressed in the Plan.

**Issue 11:** Several commentors stated that the results of the studies cited in the proposed rule are inconsistent, and that the Valdez *et al.* (1991) and Addley and Hardy (1993) studies indicate an upward trend in the Virgin spinedace population.

**Service Response:** Fish populations are subject to natural fluctuations resulting from many environmental factors. Populations fluctuate seasonally with highly inflated numbers of fishes following the breeding season. Sampling for the two studies was conducted at different times of the year. Addley and Hardy (1993) included larval Virgin spinedace in their population counts while Valdez *et al.* (1991) did not. When these differences are taken into account, the results from the two studies are nearly identical.

**Issue 12:** Several commentors disagreed that dewatering of portions of the Virgin River was a threat to the Virgin spinedace. They stated that water diverted for irrigation is actually the key to maintaining water further downstream during dry years because return flows feed the river downstream late in summer and early fall, thus enhancing Virgin spinedace habitat.

**Service Response:** Numerous reports (Cross 1975, Valdez *et al.* 1991, Addley and Hardy 1993) have cited dewatering as a threat to the Virgin spinedace. The reestablishment and maintenance of flows is identified as one of the conservation measures to be implemented by the Agreement. Water diverted for irrigation frequently results in complete dewatering of portions of Virgin spinedace habitat. Historically, when these reaches dried up, Virgin spinedace migrated to more suitable habitats. Today, numerous dams and diversions isolate populations of Virgin spinedace, making them vulnerable to the effects of dewatering. This often translates into a high mortality rate. Return flows from agricultural sources do augment summer flows in the river, but these sources do not eliminate the negative impacts of upstream dewatering.

**Issue 13:** Several respondents believe that habitat degradation from livestock grazing is not a threat to the species, since the effects of grazing have been reduced since the early 1930's and 1940's.

**Service Response:** Livestock grazing has decreased along the Virgin River since the early 1930's and 1940's, but there are still 18,000 head of cattle in Washington County alone. Cattle utilize

riparian areas, resulting in degraded Virgin spinedace habitat through devegetation, stream bank erosion, siltation, and degraded water quality. Valdez *et al.* (1991) identified 10 of 13 populations of Virgin spinedace that are potentially threatened by grazing within riparian areas and by runoff from nearby cattle feed lots. The Agreement includes habitat enhancement projects such as: constructing and maintaining boundary-line fences between Federal and private lands in order to control unauthorized grazing; establishing intensive grazing management programs for Federal lands along streams; and developing conservation easements and barriers within the Virgin River floodplain to help reduce additional agricultural impacts.

**Issue 14:** One respondent recommended that the final rule include a special rule allowing for take in accordance with applicable State fish and wildlife conservation laws, and with regulations under the Act for scientific purposes, enhancement of propagation or survival of the species, or other conservation purposes as specified in 50 CFR 17.44. The respondent believed that a special rule would provide greater management flexibility in the recovery of threatened species.

**Service Response:** The Act allows the Service to write special rules for the conservation of threatened species. The withdrawal of the proposed rule to list the Virgin spinedace as a threatened species precludes any need for a special rule.

**Issue 15:** Several respondents believed that preserving water for the commercial growth of the St. George area is more advantageous than preserving a small fish in southern Utah.

**Service Response:** Section 2(a) of the Act states that wildlife and plant species have intrinsic values (aesthetic, ecological, educational, historical, recreational, and scientific) that are worth preserving for the benefit of all citizens. The signing of the Agreement puts in place a mechanism that sufficiently protects the Virgin spinedace and addresses future water needs. Therefore, the listing of the Virgin spinedace is not presently warranted.

**Issue 16:** Several respondents stated that listing the Virgin spinedace would diminish the water supply now available for agriculture. This, in turn, would decrease the value of private lands, and increase the legal and administrative costs associated with obtaining permits from the Federal bureaucracy. These effects would



increase economic and social hardships for the cities of Santa Clara and Virgin. Additionally, the respondents stated this would cause a cultural decay for the city of Santa Clara, whose orchards and tree-lined streets (a city hallmark) would receive decreased amounts of irrigation water.

*Service Response:* Under the Act, the Secretary shall make determinations on the listing of species solely on the basis of the best available scientific and commercial information without reference to economic or other social impacts. The listing of the Virgin spinedace would not affect existing water rights.

#### Summary of Factors Affecting the Species

After a thorough review and consideration of all available information, coupled with the development of the Agreement, the Service has concluded that the proposed rule to list the Virgin spinedace and the corresponding portion of the proposed rule to designate critical habitat should be withdrawn. Section 4(a)(1) of the Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to or deleting species from the Federal Lists. The Service finds that evidence now available, as discussed below, does not justify a final determination to add the spinedace to the List. A species may be added or removed from the Lists based upon one or more of the five factors described in section 4(a)(1) of the Act. These five listing criteria are as follows:

*A. The present or threatened destruction, modification, or curtailment of its habitat or range.* While much Virgin spinedace habitat has been destroyed, modified, and/or curtailed in the past, the Agreement calls for enhancement and maintenance of Virgin spinedace habitat. Habitat enhancement will be implemented for approximately 25 km (16 mi) of occupied habitat. Enhancement projects will focus on those specific factors that have contributed to habitat degradation such as agricultural activities, recreational use of riparian zones, and activities that affect water quality. Enhancement projects will include maintenance and construction of boundary-line fences between Federal and private lands in order to control unauthorized grazing and recreational use along the riparian zones. Grazing management programs will be implemented for Federal lands bordering streams. Conservation easements will be developed for the

Virgin River floodplain to further reduce habitat degradation. Additionally, mitigation for acceptable future projects in occupied habitat will generally be based on a one to one replacement of historical habitat.

*B. Overutilization for commercial, recreational, scientific, or educational purposes.* Historically, Virgin spinedace were used as bait fish in the lower Colorado River (Miller 1952). However, overutilization is not reported as a factor in the continuing decline of Virgin spinedace populations, and recent studies (Valdez *et al.* 1991, Addley and Hardy 1993) give no indication that overutilization has negatively impacted Virgin spinedace populations.

*C. Disease or predation.* The introduction of nonnative fishes to the Virgin River system has contributed to the decline of native fish populations (Hardy 1991, U.S. Fish and Wildlife Service 1993). The Agreement specifically addresses this issue. One of the five conservation actions to be implemented by the Agreement is to selectively control nonnative fishes. Management and control of nonnative fishes will focus on stocking and introduction procedures, as well as control and/or eradication of nonnative fishes in the Virgin River basin. Specific management actions to remove the threats to Virgin spinedace associated with nonnative species will be developed on a reach by reach basis. Stocking procedures have been implemented by the Utah Division of Wildlife Resources and the Nevada Division of Wildlife that include prohibitions on: stocking of rainbow trout to establish new self-sustaining populations; and stocking of brown trout, brook trout, and channel catfish. Stocking all nonindigenous aquatic species is prohibited by respective State regulations or is recommended for prohibition by the Colorado River Wildlife Council. In addition, there are restrictions on the stocking of largemouth bass and bluegill sunfish in standing water impoundments, including existing mainstem reservoirs, and other isolated ponds and reservoirs. Species targeted for control and/or eradication include rainbow trout in the upper reaches of Beaver Dam Wash (October 1995); green sunfish in the Santa Clara River; and the red shiner in the mainstem Virgin River below the Washington Fields Diversion (October 1995). The feasibility of engineering fish barrier structures to control nonnative fish is also being developed.

In addition to introduced fish species, several parasites have invaded the Virgin River system, including the Asian tape worm (*Bothriocephalus*

*acheilognathi*) which was introduced to the Virgin River system in 1986. This parasite weakens fish, making the fish more vulnerable to stressful environmental conditions such as low water levels. The Asian tape worm has not, as yet, been identified as a parasite to the Virgin spinedace, but it has been reported from other native fishes in the Virgin River. Addley and Hardy (1993) have identified an unknown parasite infesting Virgin spinedace in the Ash Creek drainage, but they were unable to determine the effects of this parasite on the Virgin spinedace.

*D. Inadequacy of existing regulatory mechanisms.* The Virgin spinedace is listed as State endangered in Utah and Arizona, and State protected in Nevada. These States protect the species from direct take. Although land ownership within the Virgin River Basin is divided and administered among many Federal and State agencies, and also private landowners, cooperation among the various groups is helping to protect the Virgin spinedace. The Agreement is a multiagency agreement whose signatories and participants include the Utah Division of Wildlife Resources, Bureau of Land Management (Utah and Arizona State Offices), National Park Service, Nevada Division of Wildlife, Arizona Game and Fish Department, Washington County Water Conservancy District, and the Service. The Agreement was developed to expedite conservation measures needed for the continued existence and recovery of the Virgin spinedace. It focuses on two objectives: (1) To reduce and eliminate significant threats to the species, and (2) to enhance and/or stabilize specific reaches of occupied and unoccupied historical habitat. These objectives will be met through: reestablishment of population maintenance flows for Virgin spinedace; enhancement and maintenance of habitat; selectively controlling nonindigenous fishes; maintaining genetic viability; monitoring populations and habitat; and developing a mitigation plan and protocol for future activities that may affect Virgin spinedace. When the Agreement is fully implemented, it will provide for the recovery of the Virgin spinedace by establishing a framework for interagency cooperation and coordination on conservation efforts, setting recovery priorities, and estimating costs of various tasks necessary to accomplish the recovery priorities. In addition to the Agreement, other partnerships will be developed on specific actions within the Virgin River basin involving other interested agencies or groups.

*E. Other natural or human caused factors affecting its continued existence.*

Drought directly impacts Virgin spinedace habitat by dewatering some stream reaches, thus reducing the amount of usable habitat and isolating individual populations. Many of the tributaries in the Virgin River drainage have intermittent flows that disappear during drought years. Historically, fish survived drought by following the receding waters. Now, artificial barriers block their paths of retreat and some Virgin spinedace populations may become stranded and die during drought periods. One conservation action called for by the Agreement is the reestablishment and maintenance of required stream flows. These interim fish maintenance flows will be reestablished in approximately 39 km (24 mi) of historical habitat in order to reduce habitat fragmentation and to help restore fish populations. The Washington County Water Conservancy District has agreed to provide population maintenance flows for approximately 5 km (3 mi) of previously dewatered Virgin spinedace habitat below the Quail Creek Diversion. Actions are now underway to provide flows for approximately 31 km (19 mi) of the Santa Clara River.

In addition to drought, other factors such as pollution, livestock water diversions, and mining activities have negatively impacted the Virgin spinedace by degrading its habitat. Under the Agreement, efforts will be made to implement intensive grazing management programs on Federal lands along riparian zones to control unauthorized grazing and recreational use. Conservation easements and barriers within the Virgin River floodplain will be developed to help reduce additional impacts from agriculture, recreation, and development.

Implementation of the Agreement will result in the reestablishment of Virgin spinedace in approximately 39 km (24 mi) of its historical habitat and

enhancement of currently occupied habitat. This will involve the reestablishment of fish in areas that have not been occupied for many years, and this effort will be monitored and evaluated to determine the degree of success achieved. Changes in nonnative stocking procedure will also be evaluated to determine the degree of success. Therefore, until these evaluations are completed and the degree of success determined, the Service will consider the Virgin spinedace a species of concern. If the Agreement is successful, the Virgin spinedace will no longer be considered a species of concern. If the Agreement fails, the Virgin spinedace will be reevaluated for possible listing.

The Service has carefully assessed the best scientific and commercial data available regarding the past, present, and future threats faced by this species. As stated in section 4(b)(1)(A) of the Act, the Service shall take into account those efforts, if any, being made by any State or foreign nation, or any political subdivision of a State or foreign nation, to protect such species, whether by predator control, protection of habitat and food supply or other conservation practices, within any area under its jurisdiction.

The Service has evaluated each one of the five listing factors discussed above after taking into account conservation efforts being implemented on behalf of the Virgin spinedace. Based upon this evaluation, the Service finds that the listing of the species as proposed and the designation of critical habitat are no longer warranted. The Service has determined that the Agreement, when fully implemented, is expected to prevent any of the five listing factors from causing the Virgin spinedace to become endangered in the foreseeable future. Based on this decision, the Service withdraws the proposed rule to list Virgin spinedace as threatened and withdraws that portion of the proposed

rule designating critical habitat that addresses the Virgin spinedace.

#### Available Conservation Measures

An Agreement has been developed for the Virgin spinedace by the Utah Department of Natural Resources in cooperation with the Bureau of Land Management, National Park Service, Nevada Department of Conservation and Natural Resources, Arizona Game and Fish Department, Washington County Water Conservancy District, and the Service. This Agreement focuses on reducing and eliminating significant threats and enhancing and/or stabilizing specific reaches of occupied and unoccupied historical habitats of the Virgin spinedace. When the Agreement is fully implemented, it will provide for recovery of the Virgin spinedace by establishing a framework for cooperation and coordination among State and Federal agencies. It will also establish a framework for conservation efforts, setting recovery priorities, and establishing costs of various tasks necessary to accomplish the recovery priorities.

#### References Cited

A complete list of all references cited is available upon request from the Salt Lake City Field Office (see **ADDRESSES** above).

#### Authors

The primary authors of this document are Janet A. Mizzi and Henry R. Maddux (see **ADDRESSES** above).

Authority: The authority for this action is section 4(b)(6)(B)(ii) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: November 7, 1995.

George T. Frampton, Jr.,  
*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 96-2484 Filed 2-5-96; 8:45 am]

BILLING CODE 4310-55-P

# Notices

Federal Register

Vol. 61, No. 25

Tuesday, February 6, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Swan Lake–Lake Tyee Intertie Transmission Line, Tongass National Forest, Ketchikan Area and Stikine Area, AK

**AGENCY:** Forest Service, USDA.

**ACTION:** Revised Notice of intent to prepare an environmental impact statement.

**SUMMARY:** Ketchikan Public Utilities proposes to build and operate a 138 kV electric transmission line in Southeast Alaska between the switchyard of the Swan Lake Hydroelectric Station on Revillagiedo Island and the switchyard at the Lake Tyee Hydroelectric Station on the Alaska mainland. The proposed new line would be a single-circuit 138 kV line having three conductors and no shield wire. The proposed action would intertie the electrical systems of Ketchikan Public Utilities, Petersburg Municipal Power and Light, and Wrangell Municipal Light and Power. The Notice of Intent published in the Federal Register on Friday, January 6, 1995, (Vol. 60, No. 4, pages 2074–2076) identified Acting District Ranger Linn Shipley, Ketchikan Ranger District, Ketchikan Area of the Tongass National Forest as the responsible official. It also identified the proposed line as a 115 kV line.

This revised Notice of Intent identifies two responsible officials: the Ketchikan District Ranger, Ketchikan Area, Tongass National Forest, and the Wrangell District Ranger, Stikine Area, Tongass National Forest. These responsible officials have been delegated decision-making authority for those segments of the proposed transmission line that would traverse their respective Districts. The responsible officials will coordinate their efforts though the Ketchikan District Ranger will serve as primary

liaison with Ketchikan Public Utilities. This revised Notice of Intent also corrects the line voltage to 138 kV for the proposed transmission line.

**ADDRESSES:** Send written comments and suggestions concerning the scope of this project to Jimmy DeHerrera, District Ranger, Tongass National Forest, Ketchikan Ranger District, 3031 Tongass Avenue, Ketchikan, AK 99901.

**FOR FURTHER INFORMATION:**

Questions about the proposal and the EIS should be directed to Bill Angelus, EIS Liaison, Tongass National Forest, Ketchikan Ranger District, 3031 Tongass Avenue, Ketchikan, AK 99901, phone: (907) 225–2148.

**SUPPLEMENTARY INFORMATION:** The Draft Environmental Impact Statement is expected to be issued in February 1996. The comment period on the draft environmental impact statement will be a minimum of 45 days from the date the Environmental Protection Agency publishes the notice of availability in the Federal Register. Subsistence hearings, as required by Section 810 of the Alaska National Interest Lands Conservation Act, are planned during this 45-day comment period.

The Forest Services believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process.

First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978).

Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022, (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980).

Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully

consider them and respond to them in the environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act of 40 CFR 1503.3 in addressing these points.

Issuance of the Final Environmental Impact Statement is projected in November 1996. The proposed transmission line would cross two Districts on two Administrative Areas of the Tongass National Forest. The Forest Supervisors for the Ketchikan Area and the Stikine Area have delegated decision authority to the District Rangers for the portions of the proposed transmission line that would cross their respective Ranger Districts. The responsible official for the decision regarding the segment that would cross the Ketchikan Area is the Ketchikan District Ranger, Tongass National Forest, Ketchikan Ranger District, 3031 Tongass Avenue, Ketchikan, AK 99901. The responsible official for the decision regarding the segment that would cross the Stikine Area is the Wrangell District Ranger, Tongass National Forest, Wrangell Ranger District, P.O. Box 51, Wrangell, AK 99929.

Dated: December 17, 1995.

Bradley E. Powell,  
Ketchikan Area Forest Supervisor.

Dated: January 9, 1996.

Abigail R. Kimbell,  
Stikine Area Forest Supervisor.  
[FR Doc. 96–2377 Filed 2–5–96; 8:45 am]

BILLING CODE 3410–11–M

**DEPARTMENT OF COMMERCE****Bureau of Export Administration****Competitive Enhancement and Defense Diversification Needs Assessment; Proposed Collection; Comment Request**

**ACTION:** Notice and Request for Comments.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before April 8, 1996.

**ADDRESSES:** Direct all written comments to Linda Engelmeier, Acting Chief, Information Collection Analysis Division, Office of Management and Organization, Room 5327, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to U.S. Dept of Commerce, Director of Administration for the Bureau of Export Administration (BXA), Room 3889, 14th and Constitution Avenue, NW, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:****I. Abstract**

Commerce/BXA is conducting an assessment of defense subcontractors in order to match appropriate government programs with the needs of firms who seek to diversify their operations. This survey will collect information on the nature of the business performed by each firm; estimated sales and employment data; the nature of any diversification efforts undertaken thus far; and the kinds of diversification.

**II. Method of Collection**

The information will be collected via a mail survey.

**III. Data**

OMB Number: 0694-0083.

Form Number: n/a.

Type of Review: Regular submission.

Affected Public: Small and Medium Sized Businesses.

Estimated Number of Respondents: 3,900.

Estimated Time Per Response: 0.5 hours.

Estimated Total Annual Burden Hours: 1,995 for respondents.

Estimated Total Annual Cost: \$53,020 for respondents.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection. They also will become a matter of public record.

Dated: January 31, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

FR Doc. 96-2384 Filed 2-5-96; 8:45 a.m.)

**BILLING CODE 3510-DT-P**

**International Trade Administration  
[A-580-008]****Color Television Receivers from the Republic of Korea; Final Results of Antidumping Duty Administrative Reviews**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Final Results of Antidumping Duty Administrative Reviews.

**SUMMARY:** On February 16, 1995, the Department of Commerce (the Department) published the preliminary results of its administrative reviews of the antidumping duty order on color television receivers (CTVs) from the Republic of Korea covering exports of this merchandise to the United States by certain manufacturers. Based on our preliminary review of these exports during the period April 1, 1988 through March 31, 1989 and April 1, 1989 through March 31, 1990, we found margins for all reviewed companies

with the exception of respondent Samsung Electronics Co., Ltd. (Samsung), which has a *de minimis* margin in both of our reviews. We invited interested parties to comment on the preliminary results. We received comments from the Independent Radionic Workers of America; the International Union of Electronic, Electrical, Technical, Salaried, and Machine Workers, AFL-CIO; the International Brotherhood of Electrical Workers of America; and the Industrial Union Department, AFL-CIO (petitioners). We also received comments from Samsung and rebuttals to Samsung's comments from Zenith Electric Corporation (Zenith), a domestic interested party. We have now completed our final results of review and determine that the results with respect to Samsung remain *de minimis*; those with respect to the other manufacturers have not changed from those presented in our preliminary results.

**EFFECTIVE DATE:** February 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** Anne D'Alauro or Richard Herring, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 482-2786.

**SUPPLEMENTARY INFORMATION:****Background**

On February 16, 1995 (60 FR 9005), the Department published in the Federal Register the preliminary results of its administrative reviews of the antidumping duty order on CTVs from the Republic of Korea (49 FR 18336; April 30, 1984) covering exports of this merchandise to the United States by Samsung, Cosmos Electronics Company Ltd. (Cosmos), Tongkook General Electronics Co., Ltd (Tongkook), and Samwon Electronics, Inc. (Samwon). For administrative convenience, we combined the results of two reviews covering the periods April 1, 1988 through March 31, 1989, and April 1, 1989 through March 31, 1990. We have now completed these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (1988)(the Act).

**Scope of the Review**

Imports covered by these reviews include CTVs, complete and incomplete, from the Republic of Korea. The order covers all CTVs regardless of tariff classification. During the period of review, the subject merchandise was classified under item numbers 684.9246, 684.9248, 684.9250, 684.9252, 684.9253,

684.9255, 684.9256, 684.9258, 684.9262, 684.9263, 684.9270, 684.9275, 684.9655, 684.9656, 684.9658, 684.9660, 684.9663, 684.9864, 684.9866, 687.3512, 687.3513, 687.3514, 687.3516, 687.3518, and 687.3520 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under item numbers 8528.10.0800, 8528.10.11.00, 8528.10.13.00, 8528.10.17, 8528.10.19, 8528.10.24, 8528.10.28, 8528.10.34, 8528.10.38, 8528.10.44, 8528.10.48, 8528.10.54, 8528.10.58, 8528.10.61, 8528.10.63, 8528.10.67, 8528.10.69, 8528.10.71, 8528.10.73, 8528.10.77, 8528.10.79, 8529.90.03, 8529.90.06, and 8540.11.10 of the Harmonized Tariff Schedule (HTS). Although the HTS and TSUSA item numbers are provided for convenience and Customs purposes, our written description of the scope remains dispositive.

#### Applicable Statute and Regulations

The Department is conducting this administrative review in accordance with section 751(a) of the Act. Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

#### Analysis of Comments Received

We invited interested parties to comment on our preliminary results of the reviews. We received comments from the petitioners, and Samsung, and rebuttal comments from Zenith.

#### Petitioners' Comments With Respect to Both Reviews

*Comment 1:* Petitioners argue that the Department should deny the Installment Sales Incentive (ISI) rebate claimed by Samsung as a direct selling expense deduction on its home market sales. Petitioner argues that since Samsung failed to report interest received from installment sales, the Department should either request such information or calculate an amount from information currently available in Samsung's submitted questionnaire responses.

Samsung points out that in order to maximize its sales, it did not charge interest to consumers, either directly or indirectly, on installment sales made by its dealers. Samsung states that it merely provided a collection service which Samsung's numerous small distributors were unable to provide on a cost effective basis.

*Department's Position:* The Department verified the response submitted by Samsung in the 1988-89 (sixth) administrative review and examined the operation of the ISI rebate

program. We verified that customers paid Samsung directly in installments and that no interest was earned on these transactions. Therefore, we have allowed the ISI rebate as a direct selling expense.

*Comment 2:* Petitioners fault the calculation of U.S. indirect selling expenses reported by Samsung Electronics America (SEA) because it included certain unacceptable advertising expenses. As a result of Samsung's inadequate explanation of why it should include such expenses, petitioners advocate that the Department revise the calculation of U.S. indirect selling expenses incurred by SEA by excluding these contested expenses.

Samsung counters that, in the sixth review, the expense in question resulted from an initial bookkeeping error and its subsequent correction. Since the overall advertising expense total remains unchanged, the total advertising expense used for allocation remains unaffected.

In the seventh review, the expense in question was also a correction of an overstatement found to have been made in the sixth review.

*Department's Position:* We agree with the respondent that the disputed expense in review six does not affect the total allocated amount for advertising included in SEA's indirect selling expense calculation. Similarly, the Department accepts the correction made within the context of the seventh review. Therefore, no changes have been made in these final results with respect to Samsung's reported advertising expenses.

*Comment 3:* Petitioners argue that the Department should recalculate the interest rate that it used to calculate Samsung's U.S. credit expenses because it included an asset item from its daily loan balance termed "LIBOR & Cash." Petitioners question the inclusion of an asset in the daily loan balance as well as why it should incur interest on an asset. Because these amounts increase the denominator in the interest calculation, the interest rate used to calculate U.S. credit expenses is understated. In addition, the petitioners request the use of 360 days in both calculations used to derive the "rate of credit expense."

Samsung states that petitioners have misinterpreted the line item "LIBOR & Cash", which, in fact, refers to Samsung's LIBOR loans and cash loans. Thus, Samsung did not calculate interest on an asset item. Furthermore, using 360 days in both calculations to derive the rate of credit expense yields

the same rate as was originally reported and used by the Department.

*Department's Position:* We agree with the respondent and have made no changes to Samsung's reported credit expense rate.

*Comment 4:* Petitioners argue that Samsung has not reported the amount for its imputed cost of carrying inventory on its Exporter Sales Prices (ESP) transactions. Because Samsung should not benefit from its failure to report relevant expenses, petitioners advocate that the Department calculate an amount to account for the inventory carrying expense, and deduct the amount from the price of its ESP sales.

Samsung notes that in its supplemental questionnaire response, Samsung reported inventory carrying costs incurred with respect to its ESP sales. The overall indirect selling expense ratio was increased accordingly to that which was used by the Department in its preliminary results calculations for these reviews.

*Department's Position:* We agree with Samsung that inventory carrying costs were reported and included in the amount deducted for indirect selling expenses for all ESP sales transactions in both the sixth and seventh reviews (see submissions of Samsung dated March 20, 1991 at 6-7 and August 9, 1991 at 1-3, respectively).

*Comment 5:* Petitioners state that the Department should calculate an amount for credit expenses based on the estimated credit period for Samsung's purchase price sales which were sold "at sight." Petitioners argue that, since the time between the date that CTVs were shipped from Samsung's factory and the date that Samsung was credited by its bank for payment can easily run as long as 10 to 14 days, Samsung should be required to report this time period and its corresponding credit expense.

Samsung argues that the period from the date the CTVs leave the factory until the date the CTVs are loaded onto a ship is an inventory carrying cost rather than a credit expense. Since inventory carrying costs are indirect selling expenses, and indirect selling expenses are not considered in these purchase price transactions, there is no need for the Department to impute an expense for this portion of the period. Moreover, as clearly set forth in Certain Iron Construction Castings from Brazil (51 FR 9477, 9479; March 19, 1986), it is not the Department's policy to calculate a credit expense when the terms of sale are letter of credit "at sight." Therefore, the Department should also not impute any credit expense for the period from the date when Samsung receives the

carrier's bill of lading until the date when the bank credits the payment.

*Department's Position:* It is Department policy that the credit period begins with shipment of the merchandise to the customer from the foreign producer's warehouse, whether located on the production site or at an off-site warehouse location, and ends at the time the producer receives payment. We agree with Samsung that it is not the Department's policy to calculate a credit expense for "at sight" sales, since generally for these sales, payment by the bank is effected immediately upon presentation of the sales documentation. We reviewed the sales verification documents collected in the sixth review to determine the actual time between the date of shipment and the date of payment. These documents indicate that there is generally only a one day lag between the two events. Therefore, no credit expense is applicable.

*Comment 6:* Petitioners state that the Department did not follow its normal practice which is to adjust constructed value (CV) for home market selling expenses based on the weighted-average direct and indirect selling expenses for all home market sales. Instead the Department relied on ratios reported by Samsung for direct and indirect selling expenses which the petitioner alleges that Samsung failed to adequately explain and which differ from that reported in the home market sales tape. Accordingly, petitioners argue the Department should calculate the selling expense adjustments from the reported home market sales tape.

Samsung responds that the methodology for deriving the expense ratios reported for making adjustments to CV were individually explained in its response. In response to petitioners' additional point that the ratios do not correspond to the information contained in the home market sales tape, such a comparison is fundamentally flawed. The home market sales expenses reported in the sales tape are actual and sales-specific whereas the reported CV expense ratio is based on the average expense amount relative to the cost of home market sales. Samsung argues that there is simply no way that this information can be directly or meaningfully compared. Lastly, Samsung states that the underlying methodology was fully reviewed and verified by the Department.

*Department's Position:* We reviewed, and verified in the sixth administrative review, the methodology used by Samsung for reporting its home market selling expenses for CV. These expense amounts properly reflect Samsung's selling experience for all home market

sales of CTVs. As Samsung explained, these ratios were calculated using the cost of sales. Since petitioner compares these average amounts to the sales-specific amounts calculated using sales revenue, it is not surprising that the two results differ. In fact, unless sales are made below the cost of manufacture, an allocation based on the cost of sales would always yield a higher percentage than would an allocation of the same amount based on the value of sales. The Department finds no inaccuracies in Samsung's calculation of the weighted-average direct and indirect selling expenses for all home market sales of CTVs reported for purposes of CV.

*Comment 7:* Petitioners contend that to the extent that SEA is the importer of record for the CTV entries concerned and consequently is obligated for payment of antidumping duties on those entries, absorption or reimbursement will have occurred contrary to the statute and regulations at 19 CFR section 353.26. Therefore, the antidumping duties should be assessed and collected a second time. According to petitioners, the subsidiary relationship between Samsung and SEA shields the first unrelated buyer in the United States from the remedial mechanism of the antidumping duties and thereby wrongly erodes the purpose of the law.

Petitioners, therefore, ask that the Department reconsider its past reluctance to find absorption or reimbursement when antidumping duties are to be paid by an importing party that is related to the foreign producer. Although one court decision, *Outokumpu Copper Rolled Products AB v. United States*, 829 F. Supp. 1371, 1382-84 (CIT 1993), has supported the Department's position, the petitioners argue that the grounds relied upon by the court are not persuasive. First, the court saw the foreign producer and its related party in the United States as having separate corporate identities with no inappropriate financial intermingling, in spite of the fact that these companies were considered a single company in the classification of their United States sales and the computation of dumping margins on those sales. Petitioners ask why a subsidiary of a foreign producer that has been found to be dumping should be permitted to pay antidumping duties as the importer of record and characterized as a separate importer rather than the foreign respondent's controlled subsidiary serving to shield unrelated customers in the United States from antidumping duties. Second, petitioners claim that the court concluded that no absorption or reimbursement had taken

place because the cash deposits of estimated duties should not be "recast" into duties actually paid. However, whenever the related party is the importer of record, that related party is ultimately responsible for the payment of any antidumping duties due. Petitioners conclude that, to the extent that the Department calculates margins of dumping on Samsung's CTVs in these reviews, those duties to be paid by SEA should be paid a second time.

Samsung argues that petitioners' attempts at distinguishing the *Outokumpu* decision, which is governing precedent and should be applied here, fails because their analysis is neither grounded in the statute or the regulations. The *Outokumpu* decision held that mere allegations that the foreign producer and the U.S. importer are related and that the importer paid the duties are not sufficient to satisfy 19 CFR section 353.26(a). In order for the reimbursement provision to apply, there must be "evidence on the record that an agreement to reimburse those duties exists," that the foreign producer reimbursed the importer, or that the importer paid duties on behalf of the foreign producer. Samsung asserts that since no such evidence has been provided, the Department should dismiss this argument.

*Department's Position:* The imposition of antidumping duties is intended to provide relief to U.S. industries injured by unfair trade practices of foreign competitors. In effect, antidumping duties raise prices of subject merchandise to importers, thereby providing a level playing field upon which injured U.S. industries can compete. The remedial effect of the law is defeated, however, where exporters themselves pay antidumping duties, or reimburse importers for such duties. To ensure that the remedial effect of the law is not undermined, the Department has authority to reduce the U.S. price (used to determine dumping) by the amount of any duty paid, or reimbursed, by the producer or reseller, thereby increasing the amount of the duty ultimately collected. See 19 CFR 353.26.

The Department's regulation on reimbursement applies to both purchase price and ESP transactions, notwithstanding our statement to the contrary in Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of Antidumping Duty Order, 58 FR 39729 (July 26, 1993) (review of the orders on antifriction bearings (AFBs) from various countries). Contrary to our longstanding interpretation, in that AFBs review we stated that section 353.26 did not apply to ESP transactions

because the exporter and related importer are treated as a single entity for margin calculation purposes. We concluded that because the related companies are considered to be a single entity, we could not treat the two companies as separate entities for purposes of duty payment.

We have reconsidered our statement in AFBs and find it to be inconsistent with both the plain language of the regulations and the regulatory history. See, e.g., 19 CFR 353.41 (defining U.S. price as the purchase price or the ESP). We also note that the statement of administrative action of the URAA confirms that the Department has "full authority under its current regulations (19 CFR 353.26) to increase the duty when an importer directly pays the duties due, or reimburses the importer, whether *independent or affiliated*, for the importer's payment of duties." (Emphasis added.) SAA at 216.

The fact that margins are calculated based on prices to the first unrelated party in the United States does not warrant an assumption that there cannot be reimbursement of antidumping duties when the exporter and importer are related. How antidumping duties are calculated and who, under the law, is responsible for paying those duties are separate and distinct issues. The contrary reasoning in AFBs is inconsistent with the underlying policy of the reimbursement regulation. Accordingly, we are reaffirming our original view that reimbursement, within the meaning of the regulation, takes place between related parties if the evidence demonstrates that the exporter directly pays antidumping duties for the related importer or reimburses the importer for such duties. Brass Sheet and Strip from the Netherlands, 57 FR 9534, 9537 (March 19, 1992); Brass Sheet and Strip from the Sweden, 57 FR 2706, 2708 (January 23, 1992); Brass Sheet and Strip from Korea, 54 FR 33257, 33258 (August 14, 1989).

This position has been upheld by the Court of International Trade in *Outokumpu*. This does not imply that foreign exporters automatically will be assumed to have reimbursed related U.S. importers for antidumping duties by virtue of the relationship between them. While we recognize that all transactions between related parties must be scrutinized with care, the relationships between such parties are too complex to justify such an assumption. However, where the exporter directly pays antidumping duties or reimburses the related party importer specifically for such duties, we must conclude that reimbursement has occurred.

In this case, there is no evidence of inappropriate financial intermingling or of an agreement to reimburse antidumping duties between the two related parties. Therefore, the Department has no reason to require payment of twice the amount of any dumping duties owed.

#### Petitioners' Comments With Respect Only to the 88-89 (Sixth) Review

*Comment 8:* Petitioners argue that during verification it was noted that Samsung did not claim expenses incurred in certain departments, although expenses incurred in identical- or similarly-named departments were included in the calculation of Samsung's home market indirect selling expenses. Therefore, the Department should recalculate U.S. indirect selling expenses to include the expenses of the noted excluded departments.

Samsung states that petitioners have misinterpreted the verification report's findings. After a thorough examination of the functions of the identical- or similarly-named departments at Samsung, the verifiers concluded that the functions performed by these departments were not the same as those performed by the departments which were included in Samsung's home market indirect selling expenses. Thus, the Department correctly accepted the exclusion of the costs incurred by these departments from Samsung's indirect selling expenses.

*Department's Position:* Samsung's statement that the Department accepted the exclusion of the costs incurred by these departments from Samsung's indirect selling expenses is only partially correct. During verification, we reviewed Samsung's claimed indirect selling expenses incurred with respect to home market sales and with respect to U.S. sales. During this examination, we noted that Samsung did not claim expenses incurred in certain departments in its calculation of U.S. indirect selling expenses, while expenses incurred in identical- or similarly-named departments were included in its calculation of home market indirect selling expenses. We then collected and reviewed the job descriptions for these various departments to determine whether the tasks performed in the respective home market and export departments were similar.

Based on the examination of the job descriptions, we had Samsung provide us with the expenses for certain additional export departments which were not included in its claimed U.S. indirect selling expenses.

For the other export departments which were examined, we determined during verification that the functions of those export departments were not similar to the corresponding home market sales departments, and were not expenses related to export sales. Therefore, expenses for those departments were not requested. The descriptions of these departments and the additional expenses which were collected during the verification are detailed in Exhibit 39 of the Sales Verification Report for Samsung.

In these final results for the sixth administrative review, we have concluded that the functions of certain export departments are similar to the functions performed in certain domestic sales departments which were included by Samsung in its claimed home market indirect selling expenses. Therefore, we have added the expenses incurred by those export departments to Samsung's U.S. indirect selling expenses.

*Comment 9:* Petitioners allege that Samsung has not demonstrated that the transfer prices of raw materials it obtained from its related party suppliers reflect the actual market value for these materials, are above cost, or otherwise are arm's length transactions. The Department should request that Samsung provide information regarding its related supplier's fully absorbed manufacturing costs, in order to ensure that any transfer prices used in its CV analysis are at arm's length.

Samsung notes that the Department's verification report confirms that material costs were reported at their fully-absorbed cost. The transfer price was reported only for one related supplier as a matter of convenience since materials purchased from that supplier were so negligible as to comprise approximately one percent of total material purchases.

*Department's Position:* At verification the Department found that, with the exception of the noted one percent of material purchases from one particular related supplier, all of Samsung's material costs reported for purposes of CV were fully-absorbed costs and not transfer prices (see Report on Verification of Constructed Value and Adjustments for Differences in Merchandise at 11). Therefore, the material costs on purchases from related parties were appropriately reported by Samsung and accepted by the Department.

#### Petitioners' Comments With Respect to the 89-90 (Seventh) Review

*Comment 10:* Petitioners state that the Department should apply best information available (BIA), i.e., the



highest calculated margin for any individual sales from this review, for the one purchase price sale for which no contemporaneous foreign market value (FMV) information was supplied by Samsung.

Samsung counters that information on all models requested by the Department was cooperatively supplied and there is no basis whatsoever for use of punitive BIA. In the alternative, the Department can either make a comparison outside the contemporaneous period or make a comparison with an alternative home market model for which information is also available.

**Department's Position:** The Department has determined that, for the one sale for which it preliminarily failed to calculate FMV and assigned Samsung's weighted-average margin, there is sufficient information on the record to calculate CV. Accordingly, in these final results, the Department has used CV as the basis for FMV in comparison to the one sale.

#### Samsung's Comments

**Comment 11:** Samsung objects to the Department's value-added tax adjustment methodology used in its preliminary results of review. Samsung argues that the Department should instead adopt a "tax neutral" methodology.

Petitioners and Zenith counter that the methodology used in these preliminary results is the Department's current administrative practice and has been approved by the Court of International Trade (CIT). Indeed, in litigation involving the eighth review of this order, the Department's remand results involved application of the new tax methodology (remand results filed August 31, 1994 in CIT Ct. No 93-11-00719); those results were sustained by the court on December 28, 1994 (Slip Op. 94-199) and, without an appeal by any party, are now final. Petitioners and Zenith contend that Samsung has raised no basis for reconsideration of the tax methodology.

**Department's Position:** In light of the Federal Circuit's decision in *Federal Mogul v. United States*, CAFC No. 94-1097, made since the submission of comments in this case, the Department has changed its treatment of home market consumption taxes. Where merchandise exported to the United States is exempt from the consumption tax, the Department will add to the U.S. price the absolute amount of such taxes charged on the comparison sales in the home market. This is the same methodology that the Department adopted following the decision of the Federal Circuit in *Zenith v. United*

*States*, 988 F. 2d 1573, 1582 (1993), and which was suggested by that court in footnote 4 of its decision. The CIT overturned this methodology in *Federal Mogul v. United States*, 834 F. Supp. 1391 (1993), and the Department acquiesced in the CIT's decision. The Department then followed the CIT's preferred methodology, which was to calculate the tax to be added to U.S. price by multiplying the adjusted U.S. price by the foreign market tax rate; the Department made adjustments to this amount so that the tax adjustment would not alter a "zero" pre-tax dumping assessment.

The foreign exporters in the *Federal Mogul* case, however, appealed that decision to the Federal Circuit, which reversed the CIT and held that the statute did not preclude Commerce from using the "Zenith footnote 4" methodology to calculate tax-neutral dumping assessments (*i.e.*, assessments that are unaffected by the existence or amount of home market consumption taxes). Moreover, the Federal Circuit recognized that certain international agreements of the United States, in particular the General Agreement on Tariffs and Trade (GATT) and the Tokyo Round Antidumping Code, required the calculation of tax-neutral dumping assessments. The Federal Circuit remanded the case to the CIT with instructions to direct Commerce to determine which tax methodology it will employ.

The Department has determined that the "Zenith footnote 4" methodology should be used. First, as the Department has explained in numerous administrative determinations and court filings over the past decade, and as the *Federal Circuit* has now recognized, Article VI of the GATT and Article 2 of the Tokyo Round Antidumping Code required that dumping assessments be tax-neutral. This requirement continues under the new Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade. Second, the Uruguay Round Agreements Act (URAA) explicitly amended the antidumping law to remove consumption taxes from the home market price and to eliminate the addition of taxes to U.S. price, so that no consumption tax is included in the price in either market. The Statement of Administrative Action (p. 159) explicitly states that this change was intended to result in tax neutrality.

While the "Zenith footnote 4" methodology is slightly different from the URAA methodology, in that section 772(d)(1)(C) of the pre-URAA law required that the tax be added to United States price rather than subtracted from

home market price, it does result in tax-neutral duty assessments. In sum, the Department has elected to treat consumption taxes in a manner consistent with its longstanding policy of tax-neutrality and with the GATT.

**Comment 12:** Samsung argues that the Department should classify Samsung's home market bad debt as a direct selling expense. The bad debt expenses claimed by Samsung were owed by CTV purchasers that had declared bankruptcy. Since the bad debt expense was incurred as a direct result of CTV sales, there can be no dispute that the expense was directly linked to sales of the subject merchandise. Furthermore, the Department's treatment in these reviews is inconsistent with the CIT's decision in *Daewoo Electronics Co. v. United States*, 712 F. Supp. 931, 938 (1989), *aff'd in part and rev'd in part on other grounds*, 6 F.3d 1511 (Fed. Cir. 1993), *cert. denied*, 114 S. Ct. 2672 (1994) as well as the Department's decision on remand in the second and the fourth reviews of this order to treat bad debt expenses as direct selling expenses.

Petitioner points out that the referenced court decision did not completely foreclose the Department from treating bad debt expenses as indirect expenses. Rather, a respondent must bear the burden of demonstrating that these expenses should be considered direct expenses.

Accordingly, the Department should continue to treat Samsung's bad debt expenses as indirect selling expenses.

Zenith argues that the Department has stated that only those bad debt expenses that have been identified, through an analysis of each individual bad debt account, as directly related to the subject merchandise would qualify as a direct selling expense (See Fourth Review Remand Results dated 1/30/95 at 16). Specifically, where an account reflecting receivables from CTV sales is written off as bad, current CTV sales may be adjusted for the expense of the uncollectible CTV receivables, notwithstanding that the receivables may have been booked during a prior period. However, Zenith argues, Samsung has failed to meet the standard for establishing that a direct relationship exists between its sales of CTVs and the bad debt it incurred during the period.

**Department's Position:** The Department verified the bad debt expenses incurred by Samsung in the context of the sixth review and found these expenses to be incurred with respect to sales to specific distributors which had gone bankrupt and to whom Samsung had sold CTVs. Furthermore, we also reviewed and accepted the



allocation used to derive the CTV-specific expense amount. Therefore, we have treated the bad debt expenses reported with respect to CTVs as direct selling expenses in these final results of both reviews.

*Comment 13:* Samsung argues that the Department should reverse its preliminary decision to deny Samsung's revocation request based on the conclusion that it was untimely. Although the statute authorizes revocation, it says nothing about the procedures which the agency may use to accomplish revocation, including whether a revocation request must be filed at all and certainly not that such a request must be filed on a specified date as a precondition to its consideration. In implementing the statute, the Department issued a regulation that provides that "during the third and subsequent annual anniversary months of the publication of an order or suspension of investigation (the calendar month in which the anniversary of the date of publication of the order or suspension occurs), a producer or reseller *may* request in writing that the Secretary revoke \* \* \*." (19 C.F.R. 353.25(b)). The respondent states that the use of the permissive term "may" can only mean that the Department has discretion to accept a revocation request in a month other than the anniversary month of the order. Because, in addition, the regulation does not say that the request must be based on three immediately preceding review periods, Samsung argues that a timely request could be filed in the anniversary month of any year so long as the results of any previous reviews reveal at least three consecutive years of no dumping.

The respondent further argues that the Department's preliminary decision to refuse to consider Samsung's revocation request because it was untimely filed is an abuse of the agency's discretion for four reasons. First, it was not possible for Samsung to file its revocation request in April 1989 (the anniversary month and year for requesting the sixth administrative review) because the Department had not yet issued its preliminary determination in the two immediately preceding reviews of the fourth and fifth periods. Given the substantially above *de minimis* margins determined in the first through third administrative reviews, which were the only reviews completed as of April 1989, Samsung argues that it was not possible at that time for it to form a "reasonable belief" that no dumping occurred in the three consecutive review periods as required by the regulations. Litigation was also then

pending on issues arising from the final determinations in the first through third administrative reviews, and the outcome of those issues threatened to have a significant negative impact on the margin in all of the subsequent administrative reviews. Second, Samsung claims that it was not in a position to form that "reasonable belief" in part because the Department itself had breached its own regulatory obligation to complete the fourth and fifth administrative reviews within the required 12-month period. Had that not been the case, Samsung would have known that the fourth and fifth review margins established its eligibility for requesting revocation. Third, Samsung asserts that it submitted its request to the agency within a reasonable time after the date on which it first could reasonably assume that its margins in the fourth through sixth reviews would be *de minimis*. The fourth review final results were issued in June 1990, and the fifth review final results were not issued until March 1991. However, the precedent setting issues in the first, second, and third reviews still remained pending on appeal. Until the resolution of the tax pass through issue in the first administrative review with the issuance by the Court of Appeals for the Federal Circuit (CAFC) of its decision in *Daewoo Electronics Co., Ltd., et al. v. United States*, 6 F.3d 1511 (Fed. Cir. 1993), Samsung argues that it remained impossible for it to conclude that the *de minimis* results in the fourth and fifth reviews would remain unaffected by the outcome of this litigation. Fourth, Samsung claims that neither the Department nor the interested parties have been prejudiced by Samsung's 1993 request for revocation.

Before 1984, the statute required the Department to review every antidumping order at least once during each 12-month period. In 1984 when the Act was amended to conduct reviews only upon request by interested parties, the underlying purpose of the change was to reduce the administrative burden on the Department. Samsung states that the Department's position that Samsung should have filed its revocation request in April 1989 to preserve its right to revocation in the sixth review effectively contravenes the purpose of the 1984 amendment. If the Department holds to that position, every respondent in every case will have to file a revocation request as a matter of routine in every anniversary month of an order, beginning with the third anniversary month, to preserve its right to revocation. This in turn means that the Department becomes obligated to

conduct a "revocation review" and a "revocation verification" in each review for which a revocation request is submitted. Samsung argues that the goal of reducing the administrative burden of conducting yearly reviews on outstanding dumping orders has been undermined by such a requirement. Furthermore, so long as the issue of whether a final determination will yield a *de minimis* margin in any review upon which revocation depends remains unresolved due either to Departmental delays in completing that review or to a pending judicial appeal, Samsung asserts that the Department legally cannot revoke the underlying antidumping order. Samsung argues that the Department's policy of requiring a revocation request to be filed in the anniversary month of the review period which would potentially complete its revocation eligibility, regardless of ongoing litigation affecting those reviews that could significantly alter the results, serves no purpose, imposes unnecessary burdens on the agency, and may, in fact, void the basis of its revocation decision.

Samsung also states that the Department abused its discretion by failing to revoke the order with respect to Samsung on its own initiative. Given the fact that, with the inclusion of these two review results, Samsung has not been dumping for six years (third through eighth review periods) and significant amounts of time and money have been spent in proving that fact, the Department's failure to initiate revocation proceedings on its own initiative is an abuse of agency discretion.

Samsung claims that because Article 9(1) of the GATT code provides that "[a]n anti-dumping order shall remain in force only as long as, and to the extent necessary to counteract dumping which is causing injury," the Department's failure to revoke the order violates the GATT Antidumping Code. Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade (Geneva, 1979). In addition, Samsung argues that the failure of the Department to self initiate a revocation proceeding also violates Article 9(2) which requires investigating authorities to review the need for the continued imposition of the duty on their own initiative.

Lastly, Samsung argues that the present case is distinguishable from the CAFC decision in *Exportaciones Bochica/Floral v. United States* 802 F. Supp. 447 (1992) *aff'd without opinion*, 996 F.2d 317 (Fed. Cir. 1993) (*Bochica/Floral*). Samsung argues that in that case the Department's reason for rejecting an

untimely filed revocation request was its interest in minimizing the agency's administrative burdens and the need for prompt completion of reviews. Samsung states that this rationale simply does not apply to the factual situation in their case. This is because Samsung's right to revocation based on *de minimis* results in the fourth through sixth reviews depends on the application of methodologies which were not finalized until court litigation involving the first CTV review was resolved by the CAFC. Thus, Samsung concludes that the Department's interests in minimizing administrative burdens and promptly completing its reviews, which were upheld in *Bochica/Floral*, have no relevance here.

Petitioners respond to Samsung's arguments by indicating that the regulations plainly provide that a respondent is required to request revocation during the anniversary month of the order. They claim that Samsung's argument that a revocation request for a particular period can be filed during the anniversary month of any year is a misinterpretation of the regulations. Petitioners state it is clear that a request for a review for the immediately prior period must be made in the immediately following anniversary month. Similarly, the request for revocation applies to the same time period. This regulatory requirement has been upheld by the CIT in *Bochica/Floral* where the court specifically noted that "ITA interprets [19 C.F.R. 353.26(b)] to require that any revocation request be filed on the anniversary month of the order if it is to be considered in the review requested that month." Considering that the Department has been granted the authority to establish implementing regulations, which it is also required to follow, petitioners argue that failure of the Department to require a timely revocation request of Samsung would result in great unfairness to other interested parties and would be contrary to the plain language of the regulations and the supporting CIT decision.

Petitioners disagree with Samsung's claim that its untimeliness causes no prejudice to the Department or domestic interested parties. Petitioners submit that the timing requirement is so important because the request serves as notification of other requirements and other deadlines necessary to the revocation process. Samsung's revocation request filed in November of 1993, over four years late for review six does not allow the Department to base its revocation determination on recent information. If the Department is aware that revocation is at issue and if it is

unable to complete the revocation review promptly, then in subsequent reviews it will know at the outset of the review that it must verify the data. Petitioners assert that, if the request for revocation is submitted late in the process, the Department will be unable to conduct its revocation proceedings properly. The Department must also determine that the respondent is not likely to sell at less than FMV in the future. Accordingly, to satisfy the requirements necessary for revocation, Samsung should have timely provided information to demonstrate that there was no likelihood that it would sell its merchandise from Korea at less than FMV.

Petitioners state that having failed to overcome the procedural and substantive barriers to revocation resulting from its untimely request, Samsung tried to excuse itself from its failure by arguing that it was prevented from doing so because it could not form a reasonable belief that there would be no dumping found in the fourth and fifth reviews. Petitioners contend that, based on the Department's established practice during April of 1989, there was a real possibility that the margin results in the fourth and fifth reviews would be *de minimis*, even in the absence of preliminary results. As of November 3, 1993, when Samsung made its request for revocation, litigation on a range of issues was also still continuing in a variety of administrative reviews. Thus, petitioners contend, neither the timing of the publication of the preliminary results nor the pending litigation can excuse Samsung from failing to make a timely revocation request in April 1989. Furthermore, petitioners point out, even if the Department had completed the reviews within a twelve month period, the reviews would have been subject to the same litigation that they were subject to in November 1993. Samsung would have been in no better or worse position in April 1989 than it was when it eventually filed its request.

Zenith submitted rebuttal comments addressing this issue which support those arguments provided by the petitioners and discussed above.

**Department's Position:** The Department agrees with the petitioner and Zenith and remains unpersuaded by Samsung's arguments regarding its failure to timely file its revocation requests. The Department interprets section 353.25(b) of its regulations to require a producer or reseller to submit its revocation request during the opportunity month for the administrative review which the respondent reasonably believes would establish its eligibility for revocation.

This interpretation has been upheld by the CIT in *Bochica/Floral*.

Regardless of Samsung's numerous and varied reasons for its failure to comply, the fact remains that Samsung should have filed its revocation request for the sixth administrative review in April 1989, the opportunity month for the sixth review period. Only by making such a filing could Samsung have preserved its right to revocation in the sixth review.

The Department is also not persuaded by Samsung's argument that the unknown results of ongoing litigation is an acceptable explanation for tardiness. The Department has consistently indicated that it is not its policy to await the results of pending court actions in making revocation decisions. See, *Certain Fresh Cut Flowers from Colombia*; *Final Results of Antidumping Duty Administrative Review*, and *Notice of Revocation of Order (in Part)* (59 FR 15159; March 31, 1994).

Moreover, Samsung's specific argument that uncertainty concerning the outcome of litigation on prior review periods precluded certification that it had not sold CTVs at less than FMV for three years, is based on an erroneous reading of section 353.25(b)(1) of the regulations. The certification that a party has not sold merchandise at less than FMV, required under 353.25(b)(1), pertains only to the administrative review period being requested for review (and revocation)—*i.e.*, in Samsung's case, for review six. Since the certification concerning the administrative review establishing a respondent's eligibility for revocation is always made in advance of conducting the review, it reflects the respondent's best information and belief concerning its pricing behavior during the period. Although the Department had not issued preliminary results of review for periods four and five by the time the revocation request was required for period six in April of 1989, no presumption existed that Samsung had been dumping in those earlier periods. Therefore, consistent with its position in prior reviews, Samsung could have provided a certification with respect to the third consecutive review period for which there was as yet no confirmation that it made sales at less than FMV. Even though Samsung could not know at the time whether it would ultimately qualify for revocation, it had a sufficient basis to make the request and could have timely done so.

The requirement that the revocation request be submitted at the time the applicable review is requested is entirely reasonable and is supported by practical considerations. All parties

involved in the proceeding are notified and are able to collect information and contribute comments on the merits of the revocation. In addition, the Department can properly plan to examine and verify all necessary U.S. sales and FMV information including the likelihood that the respondent will sell the merchandise at less than FMV in the future (See section 353.25(a)(2)(ii)). It is precisely with respect to this last point that the Department has not had the opportunity to gather evidence or solicit comments. The Department received Samsung's revocation request after having completed its verification of information submitted in the sixth review. If the Department had received a timely revocation request from Samsung, it could have planned to gather, analyze, and verify all information necessary for adequately evaluating Samsung's request and making that decision. This, however, is not the situation in this case. For these reasons, the Department is not revoking the order with respect to Samsung in these administrative reviews.

#### Final Results of the Review

As a result of our review, we determine that the weighted-average dumping margins for the periods are:

Manufacturer/exporter	Margin percent-age	Margin percent-age
	04/01/88–03/31/89	04/01/89–03/31/90
Cosmos .....	2.24	2.24
Samsung .....	0.00	0.03
Samwon .....	16.57	16.57
Tongkook .....	16.57	16.57

The Department shall instruct the U.S. Customs Service to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of these final results of administrative review for all shipments of the subject merchandise from Korea entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for all companies will continue to be the company-specific rate published in the final determination covering the most recent period; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in previous reviews or the original LTFV investigation, the cash

deposit rate will continue to be the company-specific rate published in the final determination covering the most recent period; (3) if the exporter is not a firm covered in this review, previous reviews, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will be 13.90 percent, the "all other" rate established in the original LTFV investigation by the Department (49 FR 7620, March 1, 1984), in accordance with the decisions of the CIT in *Floral Trade Council v. United States*, 822 F. Supp. 766 (CIT 1993), and *Federal-Mogul Corporation v. United States* 822 F. Supp. 782 (CIT 1993).

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibilities concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Failure to comply is a violation of the APO.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Tariff Act, as amended (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: January 29, 1996.  
Susan G. Esserman,  
Assistant Secretary for Import  
Administration.

[FR Doc. 96-2369 Filed 2-5-96; 8:45 am]  
BILLING CODE 3510-DS-P

#### [A-570-840]

#### Notice of Amended Final Determination and Antidumping Duty Order: Manganese Metal From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 6, 1996.

FOR FURTHER INFORMATION CONTACT: David Boyland or Daniel Lessard, Office of Countervailing Duty Investigations,

Import Administration, International Trade Administration, U.S. Department of Commerce, at (202) 482-4198 or (202) 482-1778, respectively.

#### Amendment to the Final Determination

We are amending the final determination of sales at less than fair value of manganese metal from the People's Republic of China (the PRC) to reflect the correction of ministerial errors made in the margin calculations in that determination. We are publishing this amendment to the final determination in accordance with 19 CFR 353.28(c).

#### Case History and Amendment of the Final Determination

In accordance with section 735(d) of the Tariff Act of 1930, as amended (the Act), on November 6, 1995, the Department of Commerce (the Department) published its final determination that manganese metal from the PRC was being sold at less than fair value (see 60 FR 56045 (November 6, 1995)).

On November 20, 1995, petitioners, Kerr McGee and Elkem Metals Company, and respondents, China National Electronics Import & Export Hunan Company (CEIEC), China Hunan International Economic Development Corporation (HIED), China Metallurgical Import & Export Hunan Corp. and Hunan Nonferrous Metals Import & Export Associated Co. (CMIECHN/CNIECHN), and Minmetals Precious & Rare Minerals Import & Export Co. (Minmetals) made allegations that the Department made ministerial errors in its final determination. On November 22, 1995 and November 28, 1995, rebuttal comments were submitted by petitioners and respondents, respectively.

Because the choice and application of a specific surrogate manganese ore value is not a clerical error pursuant to 19 CFR 353.28(d), as petitioners acknowledged in their submission, the Department has not considered the arguments raised by petitioners or respondents with regard to this issue.

As listed below, Allegations 1 through 5 were made by petitioners and Allegations 6 through 10 were made by respondents. Each summarized allegation, including any comment submitted by petitioners or respondents in response to the allegation, is followed by the Department's response (see also November 30, 1995 memorandum to Barbara Stafford, Deputy Assistant Secretary for Investigations).

*Allegation 1*

According to petitioners, the surrogate ore value used at the final determination requires that the Department adjust the usage levels of direct process chemicals used in the production of subject merchandise.

Respondents argue that petitioners' allegation is not a clerical error, but rather an argument for a methodological change. Respondents also argue that considering this new methodological argument reopens the record and violates respondents' due process rights.

*DOC Position*

We agree with respondents that petitioners' claim is not a clerical error pursuant to 19 CFR 353.28(d). Furthermore, the information supporting petitioners' clerical error allegation represents untimely-filed new information. Accordingly, the Department has not considered this issue and has removed the information submitted by petitioners in support of this argument, as well as respondents' rebuttal to this information, from the record (see 19 CFR 353.31(a)(3)).

*Allegation 2*

Petitioners allege the following: 1) the calculations of skilled and unskilled labor hours for Producer A were not provided in existing documentation, 2) the allocation of Processor B's skilled versus unskilled labor and direct versus indirect labor was not provided in existing documentation, 3) the verification report for Processor C refers to a July 11, 1995 document regarding labor which is not on the record, and 4) the calculations for Producer D's unskilled labor do not match the documentation provided.

With respect to the above allegation, respondents argue in general that the Department's labor calculations are based on verified information, as stated in the verification reports.

*DOC Position*

While the calculation of Producer A's skilled and unskilled labor could have been outlined more clearly, the Department does not consider the absence of a full explanation of this producer's labor calculations to be a clerical error.

The verification report of Processor B explains that both the skilled and unskilled labor values were verified from production records which were not taken as verification exhibits. As noted above, the absence of a detailed description of Processor B's labor calculations does not constitute a clerical error.

With respect to Processor C, the verification report was referring to the July 17, 1995 submission by respondents, not to a July 11, 1995 report. This error, in the narrative of the verification report, had no impact on the calculation of labor. When reexamining Processor C's cost of manufacture (COM), however, it was found that estimated indirect labor was omitted. (Note: the final determination stated that indirect labor would be added to the extent that indirect labor could be quantified (see 60 FR 56050 (November 6, 1995)). Because the calculation for Processor C's estimated indirect labor yields a positive number, unlike Processor B above, estimated indirect labor has been added to Processor C's COM for the amended final determination.

Finally, although the Department did not outline its calculation of Producer D's unskilled labor, the information necessary to derive this value is contained in the narrative of the verification report and in the referenced exhibit. As indicated above, the Department does not consider the absence of a detailed explanation of Producer D's labor calculations to be a clerical error. The subsequent reexamination of Producer D's labor values, however, has led the Department to revise the original unskilled labor value to include indirect labor inadvertently excluded from the unskilled labor calculation. For the amended final determination, the Department has used a labor value which reflects direct and indirect labor.

*Allegation 3*

Petitioners allege that, for all respondents, the calculated freight cost is inconsistent with the methodology described in the calculation memorandum. Specifically, the calculated truck rates are lower than the methodology and data would indicate. According to petitioners, the discrepancies do not appear to be explained by rounding errors.

*DOC Position*

The calculation memorandum inadvertently excluded one element from the explanation of the methodology employed. The calculation memorandum should have stated that, in addition to the distance and transportation rate, the factor usage of each input is multiplied by the relative weight. The calculations for freight costs in the margin calculations were reexamined and determined to be correct.

*Allegation 4*

Petitioners allege that HIED's margin, as shown on the Department's calculation spreadsheet, does not match the HIED margin published in the Federal Register notice for the final determination. Petitioners also argue that, based on the underlying values in HIED's spreadsheet calculations and supporting data, HIED's margin should be 4.47 percent.

*DOC Position*

Petitioners are correct. The final margin listed in the final determination notice was incorrect. Additionally, the total value column (TOTVAL) is HIED's margin calculation was incorrectly calculated as gross U.S. price (USP) times quantity. TOTVAL should have been net USP times total quantity. Since this is a clerical error, HIED's TOTVAL has been recalculated using net USP for the amended final determination.

*Allegation 5*

Petitioners argue that the September 19, 1995 verification report for Producer E indicates that electricity consumption for July 1995 was an amount different than that shown in verification exhibits.

Respondents do not dispute that the Department transposed the July electricity consumption figure. However, they assert that the Department's methodology for deriving Producer E's electricity cost is incorrect and should be corrected using respondents' suggested methodology.

*DOC Position*

Petitioners are correct. The verification report inadvertently transposed Producer E's electricity usage for July. Since this is a clerical error, the correct number has been used to recalculate Producer E's COM. Because respondents' allegation is based on changing the method by which Producer E's electricity consumption is calculated, the Department considers this to be a methodological argument, as opposed to a clerical error, and has not made the change recommended by respondents.

*Allegation 6*

Respondents allege that there are a number of mathematical errors in the Department's foreign market value (FMV) calculations.

Petitioners' rebuttal does not substantially deviate from the Department's finding below.

*DOC Position*

The Department's FMV calculations have been reexamined and compared to the FMV calculation submitted by

respondents. The Department has concluded that the mathematical errors cited by respondents are not errors but are due solely to rounding.

#### *Allegation 7*

Respondents allege that the Department incorrectly adjusted the content level of a particular input for Producers E and F.

With the exception of indicating that the difference between the input usages for Producer F, as calculated by respondents and the Department, was likely due to a rounding error, petitioners' rebuttal does not deviate substantially from the Department's finding below.

#### *DOC Position*

The calculation values provided by respondents for the input adjustment are not correct. Because the Department's adjustment, as outlined in its calculation memorandum, is reflected correctly in the FMV calculation of Producers E and F, no change has been made pursuant to respondents' allegation.

#### *Allegation 8*

Respondents allege that a value for "rates and taxes" was incorrectly included in SG&A because, according to the Department's final determination, the FMV was to be "net for all taxes." Additionally, citing the December 19, 1994 calculation memorandum for the final determination of *Coumarin from the People's Republic of China* (*Coumarin*), respondents argue that it has been the Department's past practice not to include "rates and taxes" from the Reserve Bank of India Bulletin (RBI) in SG&A.

Citing to *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et al.*, 60 FR 10900 (February 28, 1995), petitioners assert that respondents' argument that "rates and taxes" should not be included in the FMV is unsupported by precedent. According to petitioners, respondents are incorrect in relying on *Coumarin* because in that case the question of whether to include or exclude "rates and taxes" from SG&A was not raised.

#### *DOC Position*

In determining FMV, the Department intended to follow its standard practice, which is to employ tax-exclusive factors of production values and to include a value for "rates and taxes" in the calculation of SG&A. The Department assumes that "rates and taxes" refer to utility costs, such as sewer rates, and property taxes. Such expenses are

properly included within the Department's calculation of the FMV because they reflect required expenses incurred in producing the subject merchandise that were not rebated upon export.

Furthermore, whether "rates and taxes" should be included in SG&A was not an issue in *Coumarin*. Therefore, the case provides no guidance or precedent here.

Moreover, while respondents quote the Department as saying in the final determination of this case that the FMV was to be "net of all taxes," the statement was actually "net of taxes" and was referring to the sentence before which specifically addressed the Indian surrogate values used in calculating the factors of production.

Finally, we note that the issue of whether "rates and taxes" should be included within SG&A is substantive, not clerical.

#### *Allegation 9*

Respondents allege that in determining SG&A the Department incorrectly used 296 instead of 204 when valuing "rates and taxes" from the RBI. In response, petitioners note that the Department incorrectly calculated SG&A when it used 188 instead of 296 for the "advertisement" expense as listed in the RBI.

#### *DOC Position*

Respondents, as well as petitioners, are correct. Using the correct RBI values, SG&A is 19.39 percent, as opposed to the 19.34 percent used in the final determination.

#### *Allegation 10*

Respondents assert that the Department incorrectly deducted a value for marine insurance from Minmetal's USP.

Petitioners' rebuttal does not deviate substantially from the Department's finding below.

#### *DOC Position*

The verification report of Minmetal states that "we noted no discrepancies with respect to the marine insurance information reported in Minmetal's responses and U.S. sales listing." The verification report also states that the "marine insurance was contracted with a Chinese company" and that "Minmetal was invoiced in U.S. dollars." Accordingly, the Department's deduction of a surrogate value for marine insurance from Minmetal's USP was appropriate and did not represent a clerical error.

#### *Scope of Order*

The product covered by this order is manganese metal, which is composed principally of manganese, by weight, but also contains some impurities such as carbon, sulfur, phosphorous, iron and silicon. Manganese metal contains by weight not less than 95 percent manganese. All compositions, forms and sizes of manganese metal are included within the scope of this investigation, including metal flake, powder, compressed powder, and fines. The subject merchandise is currently classifiable under subheadings 8111.00.45.000 and 8111.00.60.00 of the Harmonized Tariff schedule of the United States (HTSUS).

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

#### *Antidumping Duty Order*

In accordance with section 735(a) of the Act, on October 27, 1995, the Department made its final determination that manganese metal from the PRC was being sold at less than fair value (60 FR 56045 (November 6, 1995)). On December 15, 1995, the International Trade Commission notified the Department of its final determination, pursuant to section 735(b)(1)(A)(i) of the Act, that an industry in the United States is materially injured by reason of imports of the subject merchandise.

Therefore, all unliquidated entries of manganese metal from the PRC entered, or withdrawn from warehouse, for consumption on or after June 14, 1995, which is the date on which the Department published its notice of preliminary determination in the Federal Register (see 60 FR 31282 (June 14, 1995)), are liable for the assessment of antidumping duties.

In accordance with section 736(a)(1) of the Act, the Department will direct Customs officers to assess, upon further advice by the administering authority, antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all relevant entries of manganese metal from the PRC. Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below. The "PRC-wide" rate applies to all exporters of subject merchandise not specifically listed below.

The *ad valorem* weighted-average dumping margins are as follows:

Manufacture/producer/exporter	Margin Percent
CEIEC .....	11.77
CMIECHN/CNIECHN .....	0.97
HIED .....	4.60
Minmetal .....	5.88
PRC-wide Rate .....	143.32

This notice constitutes the antidumping duty order with respect to manganese metal from the PRC pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B-099 of the Main Commerce Building, for copies of an updated list of antidumping orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: January 19, 1996.

Susan G. Esserman,  
Assistant Secretary for Import  
Administration.

[FR Doc. 96-2368 Filed 2-5-96; 8:45 am]

BILLING CODE 3510-DS-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Exemption of "Fashion Samples" From Visa and Quota Requirements

January 30, 1996.

**AGENCY:** Committee for the  
Implementation of Textile Agreements  
(CITA).

**ACTION:** Issuing a directive to the  
Commissioner of Customs exempting  
"fashion samples" from visa and quota  
requirements for an additional three-  
month trial period.

**EFFECTIVE DATE:** February 1, 1996.

**FOR FURTHER INFORMATION CONTACT:**  
Brian Fennessy, International Trade  
Specialist, Office of Textiles and  
Apparel, U.S. Department of Commerce,  
(202) 482-3400.

#### SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

A notice published in the Federal Register on August 15, 1995 (60 FR 42150) announces a temporary exemption from visa and quota requirements for textile and apparel articles described as "fashion samples."

The Committee for the Implementation of Textile Agreements has determined that, effective on February 1, 1996, textile and apparel articles described as "fashion samples"

which are produced or manufactured in various countries and entered into the United States for consumption shall be exempt from quota and requirements for an additional three-month trial period beginning on February 1, 1996 and extending through April 30, 1996.

The term "fashion samples" is limited to wearing apparel and other textile articles purchased at retail and not imported in multiple units, i.e., no more than a single article in a particular style and/or color. These shipments must not be greater than twenty-four (24) pieces and must accompany a returning buyer. Mail and cargo shipments would not be eligible for treatment as "fashion samples."

Troy H. Cribb,

Chairman, Committee for the Implementation  
of Textile Agreements.

Committee for the Implementation of Textile  
Agreements

January 30, 1996.

Commissioner of Customs,  
Department of the Treasury, Washington, DC  
20229.

Dear Commissioner: This directive amends, but does not cancel, all import control directives issued to you by the Chairman, Committee for the Implementation of Textile Agreements. This directive also amends, but does not cancel, all visa requirements for all countries for which visa arrangements are in place with the United States.

Effective on February 1, 1996, for a three-month trial, you are directed to no longer require a visa for textile and apparel articles described as "fashion samples" which are produced or manufactured in various countries and entered into the United States for consumption for the period beginning on February 1, 1996 and extending through April 30, 1996. Also for the period February 1, 1996 through April 30, 1996, these textile and apparel articles shall not be subject to existing quota.

These textile and apparel items, frequently called buyers "fashion samples" are limited to textile and apparel items purchased at retail. The "fashion samples" must accompany a buyer returning to the United States, must not be more than a single article in a particular style or color and must not exceed more than 24 pieces total. Mail and cargo shipments would not be eligible for treatment as "fashion samples."

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C.553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation  
of Textile Agreements.

[FR Doc. 96-2367 Filed 2-5-96; 8:45 am]

BILLING CODE 3510-DR-F

## COMMODITY FUTURES TRADING COMMISSION

### Applications of the Chicago Board of Trade for Designation as a Contract Market in Futures and Options on the CBOT Brazil Brady Bond Index

**AGENCY:** Commodity Futures Trading  
Commission.

**ACTION:** Notice of availability of the  
terms and conditions of proposed  
commodity futures and option  
contracts.

**SUMMARY:** The Chicago Board of Trade (CBT or Exchange) has applied for designation as a contract market in futures and futures options on the CBOT Brazil Brady Bond Index. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

**DATES:** Comments must be received on or before March 7, 1996.

**ADDRESSES:** Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. Reference should be made to the CBOT Brazil Brady Bond.

**FOR FURTHER INFORMATION CONTACT:**  
Please contact Stephen Sherrod of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, Washington, DC, 20581, telephone 202-418-5277.

**SUPPLEMENTARY INFORMATION:** The Exchange's proposed Brady bond contracts are based on indexes representing the sovereign debt of Brazil. The SEC has been petitioned to grant the sovereign debt of Brazil exempt status under SEC Rule 240.3a12-8. The SEC published the proposed amendment to Rule 240.3a12-8 in the Federal Register for a 30-day public comment period on December 20, 1995. Should the SEC add the sovereign debt of Brazil to the list of exempted securities, the Commission would then be able to designate futures on such security. See Section 2(a)(1)(B)(v) of the Act.

Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity

Futures Trading Commission, Three Lafayette Centre, 1155 21st Street Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418-5097.

Other materials submitted by the CBT in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the CBT, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on January 30, 1996.

Blake Imel,

*Acting Director.*

[FR Doc. 96-2432 Filed 2-5-96; 8:45 am]

BILLING CODE 6351-01-P]

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0064]

### Clearance Request Entitled Organization and Direction of Work

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for an extension to an existing OMB clearance (9000-0064).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an

extension of a currently approved information collection requirement concerning Organization and Direction of Work. A request for public comments was published at 60 FR 57227, November 14, 1995. No comments were received.

**DATES:** *Comment Due Date:* March 8, 1996.

**ADDRESSES:** Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVRs), 18th & F Streets, NW, Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000-0064, Organization and Direction of Work, in all correspondence.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jack O'Neill, Office of Federal Acquisition Policy, GSA (202) 501-3856.

#### SUPPLEMENTARY INFORMATION:

##### A. Purpose

When the Government awards a cost-reimbursement construction contract, the contractor must submit to the contracting officer and keep current a chart showing the general executive and administrative organization, the personnel to be employed in connection with the work under the contract, and their respective duties. The chart is used in administration of the contract and as an aid in determining cost. The chart is used by contract administration personnel to assure the work is being properly accomplished at reasonable prices.

##### B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average .75 hours per completion, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, 50; responses per respondent, 1; total annual responses, 50; preparation hours per response, .75; and total response burden hours, 38.

#### OBTAINING COPIES OF JUSTIFICATIONS:

Requester may obtain copies of justifications from the General Services Administration, FAR Secretariat (MVRs), Room 4037, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0064,

Organization and Direction of Work, in all correspondence.

Dated: January 31, 1996.

Beverly Fayson,

*FAR Secretariat.*

[FR Doc. 96-2434 Filed 2-5-96; 8:45 am]

BILLING CODE 6820-EP-P

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### Intent to Grant an Exclusive Patent License

Pursuant to the provisions of Part 404 of Title 37, Code of Federal Regulations, which implements Public Law 96-517, the Department of the Air Force announces its intention to grant Unison Industries Limited, a limited partnership, an exclusive license under: United States Patent No. 5,283,488 filed in the name of Rengassamy Ponnappan for a "Rotor Cooling Structure".

The license described above will be granted unless an objection thereto, together with a request for an opportunity to be heard, if desired, is received in writing by the addressee set forth below within sixty (60) days from the date of publication of this Notice. Copies of the patent application may be obtained, on request, from the same addressee.

All communications concerning this Notice should be sent to: Mr. Samuel B. Smith, Jr., Chief, Intellectual Property Branch, Commercial Litigation Division, Air Force Legal Services Agency, AFLSA/JACNP, 1501 Wilson Blvd., Suite 805, Arlington, VA 22209-2403, Telephone No. (703) 696-9033.

Patsy J. Conner,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 96-2456 Filed 2-5-96; 8:45 am]

BILLING CODE 3910-01-P

### Department of the Army

### Corps of Engineers

### Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Rodman Dam/Ocklawaha River Restoration Project, Putnam and Marion Counties, FL

**AGENCY:** Army Corps of Engineers, DOD.

**ACTION:** Notice of intent.

**SUMMARY:** The Jacksonville District, U.S. Army Corps of Engineers, along with the Florida Department of Environmental Protection, intends to prepare a Draft Environmental Impact Statement on the feasibility of implementing a plan for



the Rodman Dam/Ocklawaha River Restoration Project in Putnam and Marion Counties, Florida.

**ADDRESSES:** U.S. Army Corps of Engineers, Jacksonville District, P.O. Box 4970, Jacksonville, Florida 32232-0019.

**FOR FURTHER INFORMATION CONTACT:** Ms. Therese Fretwell, 904-232-3271.

**SUPPLEMENTARY INFORMATION:** a. The Water Resources Development Act of 1990 (Public Law 101-640) required the U.S. Corps of Engineers to transfers all lands, facilities and management responsibilities associated with Cross Florida Barge Canal Project to the State of Florida. The Florida Department of Environmental Protection (FDEP) is now in the process of developing the Rodman Dam/Ocklawaha River Restoration project for restoring a portion of the Cross Florida Canal to its historic condition. The U.S. Army Corps of Engineers participation will include permitting activities for Section 9 and Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act and NEPA documentation of this project. The FDEP application for a Department of the Army permit includes four alternative plans for dealing with management of the Rodman Dam. These include: Complete Restoration of the Ocklawaha River, Partial Restoration of the Ocklawaha River, Total Retention of the Rodman Reservoir and Partial Retention of the Rodman Reservoir. The FDEP has chosen the Partial Restoration of the Ocklawaha River as its preferred alternative for the Rodman Dam/Ocklawaha River Restoration Project. This plan will be an eleven part process that will restore river hydrology and floodplain function to historic conditions through breaching of the dam, with limited removal and/or alteration of structures and topographical manipulation and allowing for maximum restoration from natural processes to occur. The magnitude and duration of the project is such that the U.S. Army Corps of Engineers determined that an EIS should be prepared for the entire project pursuant to the National Environmental Policy Act (NEPA).

b. Scoping: The scoping process as outlined by the Council on Environmental Quality will be utilized to involve Federal, State, and local agencies; and other interested persons and organizations. A scoping letter will be sent to interested Federal, State, local agencies and interested parties requesting their comments and concerns regarding the issues they think should be included in the EIS. Interested

persons and organizations wishing to participate in the scoping process should contact the Corps of Engineers at the above mentioned address.

Environmental considerations will include potential presence of historical or archeological resources, aesthetics, recreation demand, water quality, flood control, water supply, land use, wetlands, endangered and threatened species, and fish and wildlife habitats and values. Public meetings may be held in the future, exact dates, times and locations will be published in local papers.

c. It is estimated that the DEIS will be available to the public by mid-1996.

Gregory D. Showalter,

*Army Federal Register Liaison Officer.*

[FR Doc. 96-2381 Filed 2-5-96; 8:45 am]

BILLING CODE 3710-AJ-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP96-127-000]

#### Boundary Gas, Inc.; Notice of Proposed Changes in FERC Gas Tariff

January 31, 1996.

Take notice that on January 26, 1996, Boundary Gas, Inc. (Boundary) tendered for filing, Second Revised Volume No. 1 of its FERC Gas Tariff to become effective February 26, 1996. Second Revised Volume No. 1 supersedes First Revised Volume No. 1 in its entirety. At the same time, Boundary filed its tariff in an electronic format for the first time.

Boundary states that in the process of restating its tariff electronically, it found that numerous pages were shifting. As a result, Boundary decided it would be simpler and cleaner to replace the previous version of its tariff, First Revised Volume No. 1, with a new version, Second Revised Volume No. 1. Second Revised Volume No. 1 is virtually identical to First Revised Volume No. 1. Boundary states that the only substantive changes appear on six pages, Original Sheet Nos. 1, 2, 12, 13, 30 and 31, and these are minor technical revisions made (i) to bring the tariff into compliance with the requirements of Part 154 of the Commission's regulations or (ii) revise cross references to tariff sheets.

Boundary states that copies of this filing were served upon all customers and interested state regulatory agencies.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888

First Street, N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

*Acting Secretary.*

[FR Doc. 96-2420 Filed 2-5-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP96-126-000]

#### Sea Robin Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

January 31, 1996.

Take notice that on January 26, 1996, Sea Robin Pipeline Company (Sea Robin) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective February 26, 1996:

First Revised Sheet No. 29  
First Revised Sheet No. 31  
First Revised Sheet No. 35  
First Revised Sheet No. 94

Sea Robin states that the purpose of this filing is to change certain provisions of the General Terms and Conditions of its Tariff to correspond with certain requests that have been made by its shippers. First, Sea Robin proposes to change Section 5.1 of its Tariff to change the deadline for first-of-the-month nominations from 8:00 a.m. Central Time on the fifth business day to 8:00 a.m. Central time on the third business day prior to the beginning of the month effective with nominations for March 1, 1996. Accordingly, Sea Robin has requested that these sheets be made effective as of February 26, 1996, the new nomination deadline for March 1, 1996.

Additionally, Sea Robin proposes to add a new Section 5.9 which would allow Shippers to rank their receipts and deliveries under a Service Agreement in the event receipts are limited, reduced or interrupted. Without such mechanism, Sea Robin must schedule shipper's gas on a prorata basis in the event of a limitation since it has no means to determine and no



authorization to prioritize any of a shipper's markets.

Sea Robin also proposes to change Section 4.10 of its Tariff to lower the adjustment factor for measurement errors from 2% to 1%. Finally, Sea Robin proposes an addition to Section 27.1 of its Tariff, the Crediting Flow-through Mechanism, to include the offset to any difference for imbalance entries under an Operational Balancing Agreement which uses a make-up in-kind methodology. Sea Robin states that it has no other means to resolve in-kind imbalances on its books of accounts since it has no storage on its system and does not buy or sell gas. Sea Robin states that copies of the filing will be served upon its shippers and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR Sections 385.211 and 385.214). All such motions and protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,  
*Acting Secretary.*

[FR Doc. 96-2419 Filed 2-5-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP96-124-000]

**Williams Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff**

January 31, 1996

Take notice that on January 26, 1996, Williams Natural Gas Company (WNG) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with the proposed effective date of March 1, 1996:

Title Page  
Fifth Revised Sheet No. 2  
Second Revised Sheet No. 5  
Original Sheet Nos. 5A and 5B  
Tenth Revised Sheet No. 6  
Eleventh Revised Sheet No. 6A  
Original Sheet No. 6B

Third Revised Sheet No. 226  
Original Sheet No. 226A  
Second Revised Sheet Nos. 223, 244, 249  
First Revised Sheet No. 251  
Second Revised Sheet No. 252 and 262  
First Revised Sheet Nos. 272, and 279  
Second Revised Sheet No. 300  
Original Sheet Nos. 500-504

WNG states that this filing is being made pursuant to part 154 of the Commission's regulations and in compliance with Commission order (order) issued September 28, 1995 in Docket No. RM95-3-000. Pipelines were directed to revise their tariffs to reflect the changes in part 154 of the Commission's regulations.

WNG states that a copy of its filing was served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,  
*Acting Secretary.*

[FR Doc. 96-2418 Filed 2-5-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP96-123-000]

**Florida Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff**

January 31, 1996.

Take notice that on January 26, 1996, Florida Gas Transmission Company (FGT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to become effective March 1, 1996.

FGT states the instant filing proposes changes to its FERC Gas Tariff which are generally intended to modify or clarify certain provisions in conformance with previous tariff changes filed and accepted by the Federal Energy Regulatory Commission. In addition, minor correction and an updated Receipt Point list are included.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC, 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,  
*Acting Secretary.*

[FR Doc. 96-2417 Filed 2-5-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP96-115-000]

**CNG Transmission Corporation; Notice of Section 4 Filing**

January 31, 1996.

Take notice that on January 16 1996, CNG Transmission Corporation (CNG) tendered for filing pursuant to Section 4 of the Natural Gas Act, a notice of termination of gathering services currently being provided on specified uncertificated gathering lines. CNG states that the uncertificated lines are being abandoned in place or removed<sup>1</sup> and that no contract for transportation service with CNG will be canceled or terminated.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before February 5, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

<sup>1</sup> CNG indicates that the lines being abandoned either service wells owned by CNG that are being sold to D & G Operating Company and Mountain Reserves Inc. or, in the case of producer Peake Energy (Peake), serve only to transport gas produced by Peake which line is being sold to Peake.

Commission and are available for public inspection.

Linwood A. Watson, Jr.,

*Acting Secretary.*

[FR Doc. 96-2416 Filed 2-5-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP95-408-000 and RP95-408-001]

**Columbia Gas Transmission Corporation; Notice of Informal Settlement Conference**

January 31, 1996.

Take notice that an informal settlement conference will be convened in this proceeding on Wednesday, February 14, 1996, at 10 a.m., at the office of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, for the purpose of exploring the possible settlement of the above referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Thomas J. Burgess or David R. Cain at 208-0917.

Linwood A. Watson, Jr.,

*Acting Secretary.*

[FR Doc. 96-2415 Filed 2-5-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP95-407-000]

**Questar Pipeline Company; Notice of Informal Settlement Conference**

January 31, 1996.

Take notice that an informal settlement conference will be convened in this proceeding on February 5, 1996 at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Lorna J. Hadlock (202) 208-0737 or John P. Roddy (202) 208-1176.

Linwood A. Watson, Jr.,

*Acting Secretary.*

[FR Doc. 96-2414 Filed 2-5-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP95-185-000 and RP95-185-001]

**Northern Natural Gas Company; Notice of Informal Settlement Conference**

January 31, 1996.

Take notice that an informal settlement conference will convene in this proceeding on February 12, 1996, at 1:30 p.m. The conference will be held in a hearing room at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined in 18 CFR 385.102(b), may attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations, 18 CFR 385.214.

For additional information, contact Donald Heydt at (202) 208-0740 or Robert Young at (202) 208-5705.

Linwood A. Watson, Jr.,

*Acting Secretary.*

[FR Doc. 96-2413 Filed 2-5-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT96-46-000]

**Western Transmission Corp.; Notice of Proposed changes in FERC Gas Tariff**

January 31, 1996.

Take notice that on January 26, 1996, Western Transmission Company (Western) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1 in electronic format in compliance with the Commission's Final Rule in Docket No. RM95-3-000.

Western states that the purpose of this filing is to comply with the Commission's directive that all companies that have not restated their tariffs in electronic format must do so by January 26, 1996. The content of tariff sheets contained on the disk is identical in all respects to the paper copies that are currently on file with the Commission.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.214 and 385.211 of the

Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

*Acting Secretary.*

[FR Doc. 96-2411 Filed 2-5-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP96-122-000]

**CNG Transmission Corporation; Notice of Section 4 Filing**

January 31, 1996.

Take notice that on January 25, 1996, CNG Transmission Corporation (CNG) tendered for filing pursuant to Section 4 of the Natural Gas Act, a notice of termination of gathering services currently being provided on specified uncertificated gathering lines. CNG states that the uncertificated lines are being abandoned in place and that the receipt point(s) into CNG's system in the case of abandonment in place, have been eliminated. CNG further asserts that no gas is flowing through these facilities.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed no later than February 6, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

*Acting Secretary.*

[FR Doc. 96-2409 Filed 2-5-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP96-125-000]****ANR Pipeline Company; Notice of Section 4 Filing Termination**

January 31, 1996.

Take notice that on January 26, 1996, ANR Pipeline Company (ANR) tendered for filing under Section 4 of the Natural Gas Act (NGA), notice of the termination of gathering service offered through a 63-foot, 8-inch O.D. pipeline/receipt point (Mutual Interconnection) located at the tailgate of the GPM Gas Corporation (GPM) Cimarron Processing Plant in Woodward County, Oklahoma. ANR requests that the termination of service be effective March 1, 1996.

ANR states that it will abandon this non-certificated gathering facility, which functions as an extension of the nonjurisdictional plant piping owned and operated by GPM, by sales to GPM. ANR asserts that after this Mutual Interconnection is transferred to GPM, shippers will no longer have to pay ANR a gathering fee for gathering transportation service from GPM's Cimarron Processing Plant to ANR's transmission line.

ANR states that no contracts will be terminated as a result of this sale. ANR further states that GPM will continue to deliver gas into ANR's system, however, ANR will receive it at the point where the Mutual Interconnection line meets ANR's transmission system, and that this receipt point will be designed as the Cimarron Interconnection.

ANR states that two customers have made deliveries through the Mutual Interconnection during the 12 months ended December 31, 1995. ANR maintains that these customers have been mailed notification of this change in receipt point, and subject to the Commission approval, the change will be posted on ANR's Electronic Bulletin Board.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed no later than February 7, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public

inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

*Acting Secretary.*

[FR Doc. 96-2410 Filed 2-5-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. EL96-25-000, et al.]****Arizona Public Service Company, et al. Electric Rate and Corporate Regulation Filings**

January 29, 1996

Take notice that the following filings have been made with the Commission:

**1. Arizona Public Service Company**

[Docket No. EL96-25-000]

Take notice that on December 18, 1995, Arizona Public Service Company (the "Company") tendered for filing a request for waiver of the Commission's Fuel Adjustment Clause (FAC) Regulations as outlined in 18 CFR 35.14, 35.19(a) and to the extent necessary under § 35.3. Additionally, the Company has included a report on the refunds of overbilled amounts to wholesale customers through the FAC, and has filed revised rate sheets reflecting these revisions to the FAC.

Copies of this filing have been served upon the affected parties as follows:

Customer name	APS-FPC/ FERC rate schedule
Electrical District No. 3 (ED-3) .....	12
Tohono O'odham Utility Authority (TOUA) .....	52
Welton-Mohawk Irrigation and Drainage District (Welton-Mohawk) .....	58
Arizona Power Authority (APA) .....	59
Colorado River Indian Irrigation Project (CRIIP) .....	65
Electrical District No. 1 (ED-1) .....	68
Town of Wickenburg (Wickenburg) ..	74
Southern California Edison Company (SCE) .....	120
Electrical District No. 6 (ED-6) .....	126
Electrical District No. 7 (ED-7) .....	128
City of Page (Page) .....	134
Electrical District No. 8 (ED-8) .....	140
Aguila Irrigation District (AID) .....	141
McMullen Valley Water Conservation and Drainage District (MVD) ..	142
Tonopah Irrigation District (TID) .....	143
Citizens Utilities Citizens) .....	149
Harquahala Valley Power District (HED) .....	153
Buckeye Water Conservation and Drainage District (BID) .....	155
Roosevelt Irrigation District (RID) .....	158
Maricopa County Municipal Water Conservation District (MCMWCD) ..	168
City of Williams (Williams) .....	192

Customer name	APS-FPC/ FERC rate schedule
San Carlos Indian Irrigation Project (SCIIP) .....	201
The California Public Utilities Commission and the Arizona Corporation Commission.	

*Comment date:* February 14, 1996, in accordance with Standard Paragraph E at the end of this notice.

**2. El Paso Electric Company**

[Docket No. ER89-620-001]

Take notice that December 14, 1995, El Paso Electric Company tendered for filing its compliance filing in the above-referenced docket.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

**3. MG Electric Power, Inc. Howell Power Systems, Inc. Morgan Stanley Capital Group Inc. Mid-American Resources, Inc. Western States Power Providers and Greenwich Energy Partners L.P.**

[Docket No. ER93-839-002, ER94-178-008, ER94-1384-008, No. ER95-78-001, ER95-1459-002 ER96-116-001 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On January 17, 1996, MG Electric Power, Inc. filed certain information as required by the Commission's October 19, 1993 order in Docket No. ER93-839-000.

On January 16 1996, Howell Power Systems, Inc. filed certain information as required by the Commission's January 14, 1994 order in Docket No. ER94-178-000.

On January 18 1996, Morgan Stanley Capital Group Inc. filed certain information as required by the Commission's November 8, 1994 order in Docket No. ER94-1384-000.

On December 22, 1995, Mid-American Resources, Inc. filed certain information as required by the Commission's November 21, 1994 order in Docket No. ER95-78-000.

On January 16, 1996, Western States Power Providers, Inc. filed certain information as required by the Commission's October 10, 1995 order in Docket No. ER95-1459-000.

On January 18, 1996, Greenwich Energy Partners L.P. filed certain information as required by the

Commission's December 20, 1995 order in Docket No. ER96-116-000.

4. NorAm Energy Services, Inc., Sonat Power Marketing, Inc., J.L. Walker and Associates, National Fuel Resources, Inc., Utility Trade Corporation, Industrial Energy Applications, Inc., and Pennunion Energy Services, L.L.C.

[Docket No. ER94-1247-007, ER95-1050-002, ER95-1261-002, ER95-1374-001, ER95-1382-002, ER95-1465-001, ER95-1511-001 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On January 24, 1996, NorAm Energy Services, Inc. filed certain information as required by the Commission's July 25, 1994 order in Docket No. ER94-1247-000.

On January 22, 1996, Sonat Power Marketing, Inc. filed certain information as required by the Commission's August 18, 1995 order in Docket No. ER95-1050-000.

On January 17, 1996, J.L. Walker and Associates filed certain information as required by the Commission's August 7, 1995 order in Docket No. ER95-1261-000.

On January 18, 1996, National Fuel Resources, Inc. filed certain information as required by the Commission's September 7, 1995 order in Docket No. ER95-1374-000.

On January 17, 1996, The Utility Trade Corporation filed certain information as required by the Commission's August 25, 1995 order in Docket No. ER95-1382-000.

On January 22, 1996, Industrial Energy Applications, Inc. filed certain information as required by the Commission's August 25, 1995 order in Docket No. ER95-1465-000.

On January 23, 1996, Pennunion Energy Services, L.L.C. filed certain information as required by the Commission's September 11, 1995 order in Docket No. ER95-1511-000.

5. E Prime Inc.

[Docket No. ER95-1269-000]

Take notice that on January 24, 1996, E Prime Inc. tendered for filing an amendment in the above-referenced docket.

*Comment date:* February 9, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Arizona Public Service Company

[Docket No. ER96-513-000]

Take notice that on December 29, 1995, Arizona Public Service Company

tendered for filing an amendment in the above-referenced docket.

*Comment date:* February 9, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Century Power Corporation

[Docket No. ER96-768-000]

Take notice that on January 3, 1996, Century Power Corporation tendered for filing a letter confirming that it conveyed its remaining 8.2% ownership interest in San Juan Unit No. 3 to Tri-State Generation and Transmission Association, Inc. on the scheduled date for closing of the sale—January 2, 1996, and that, as of that date, Century's rights under the Assumption Agreement and the Amended and Restated Interconnection Agreement were assigned to Tri-State.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Cinergy Services, Inc.

[Docket No. ER96-798-000]

Take notice that on January 16, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing on behalf of its operating companies, The Cincinnati Gas & Electric Company (CG&E) and PSI Energy, Inc. (PSI), an Interchange Agreement, dated January 1, 1996, between Cinergy, CG&E, PSI and Engelhard Power Marketing, Inc. (ENGELHARD).

The Interchange Agreement provides for the following service between Cinergy and ENGELHARD:

1. Exhibit B—Power Sales by ENGELHARD
2. Exhibit C—Power Sales by Cinergy

Cinergy and ENGELHARD have requested an effective date of February 1, 1996.

Copies of the filing were served on Engelhard Power Marketing, Inc., the New Jersey Board of Public Utilities, the Kentucky Public Service Commission, the Public Utilities Commission of Ohio and the Indiana Utility Regulatory Commission.

*Comment date:* February 9, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Tucson Electric Power Company

[Docket No. ER96-799-000]

Take notice that on January 16, 1996, Tucson Electric Power Company (Tucson), tendered for filing a Service Agreement (the Agreement), effective as of December 8, 1995 with KN Marketing Inc. (KN). The Agreement provides for the sale by Tucson to KN of economy energy from time to time at negotiated rates in accordance with Service Schedule A of Tucson's Coordination

Tariff, Volume 1, Docket No. ER94-1437-000. Tucson requests an effective date of December 8, 1995, and therefore requests all applicable waivers.

Copies of this filing have been served upon all parties affected by this proceeding.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Tucson Electric Power Company

[Docket No. ER96-800-000]

Take notice that on January 16, 1996, Tucson Electric Power Company (Tucson), tendered for filing a Service Agreement (the Agreement), effective as of December 26, 1995 with Industrial Energy Applications, Inc. (IEA). The Agreement provides for the sale by Tucson to IEA of economy energy from time to time at negotiated rates in accordance with Service Schedule A of Tucson's Coordination Tariff, Volume 1, Docket No. ER94-1437-000. Tucson requests an effective date of December 26, 1995, and therefore requests at applicable waivers.

Copies of this filing have been served upon all parties affected by this proceeding.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Northeast Utilities Service Company

[Docket No. ER96-801-000]

Take notice that on January 16, 1996, Northeast Utilities Service Company (NUSCO), tendered for filing, a Service Agreement and a Certificate of Concurrence with the Washington Electric Cooperative (WEC) under the NU System Companies' System Power Sales/Exchange Tariff No. 6.

NUSCO states that a copy of this filing has been mailed to WEC.

NUSCO requests that the Service Agreement become effective on February 1, 1996.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Northeast Utilities Service Company

[Docket No. ER96-802-000]

Take notice that on January 16, 1996, Northeast Utilities Service Company (NUSCO), tendered for filing, a Service Agreement with Rainbow Energy Marketing Corporation (Rainbow) under the NU System Companies' System Power Sales/Exchange Tariff No. 6.

Rainbow also filed a Certificate of Concurrence as it relates to exchange transactions under the Tariff.

NUSCO states that a copy of this filing has been mailed to Rainbow.

NUSCO requests that the Service Agreement become effective sixty (60) days following the Commissions receipt of the filing.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

### 13. Duke Power Company

[Docket No. ER96-803-000]

Take notice that on January 16, 1996, Duke Power Company (Duke), tendered for filing Transmission Service Agreements (TSAs) between Duke, on its own behalf and acting as agent for its wholly-owned subsidiary, Nantahala Power and Light Company, and Commonwealth Edison Company (Commonwealth). Duke states that the TSAs set out the transmission arrangements under which Duke will provide Commonwealth firm transmission service and non-firm transmission service under its Transmission Service Tariff.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

### 14. Duke Power Company

[Docket No. ER96-804-000]

Take notice that on January 16, 1996, Duke Power Company (Duke), tendered for filing a Transmission Service Agreement (TSA) between Duke, on its own behalf and acting as agent for its wholly-owned subsidiary, Nantahala Power and Light Company, and Rainbow Energy Marketing Corporation (Rainbow). Duke states that the TSA sets out the transmission arrangements under which Duke will provide Rainbow non-firm transmission service under its Transmission Service Tariff.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

### 15. Duke Power Company

[Docket No. ER96-805-000]

Take notice that on January 16, 1996, Duke Power Company (Duke or Company), tendered for filing the Fourth Amendments to the Interconnection Agreements (Amendments) dated September 29, 1995, between the Company and North Carolina Municipal Power Agency No. 1 (NCMPA) and Piedmont Municipal Power Agency (PMPA). Duke, NCMPA and PMPA are some of the joint owners of the Catawba Nuclear Station. Under the terms of the Interconnection Agreements, Duke interconnects its generation and transmission system with the Catawba Nuclear Station, wheels electric power and energy to the members of the other joint owners,

provides supplemental capacity and energy in excess of that provided by the owners' ownership interest, and provides back-up services. Duke states that these Amendments clarify how certain calculations will be made under the Interconnection Agreements and resolve certain other items of dispute.

Duke states that the Interconnection Agreements are on file with the Commission and have been designated as follows:

Rate Schedule FERC No. 271 (NCMPA)  
Rate Schedule FERC No. 276 (PMPA)

Copies of this filing were mailed to NCMPA, PMPA, the North Carolina Utilities Commission, and the South Carolina Public Service Commission.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

### 16. Pennsylvania Power & Light Company

[Docket No. ER96-806-000]

Take notice that on January 16, 1996, Pennsylvania Power & Light Company (PP&L), tendered for filing with the Federal Energy Regulatory Commission two Service Agreements (the Agreements) between PP&L and MidCon Power Services Corp., dated December 20, 1995, and (2) Louis Dreyfus Electric Power Inc., dated January 11, 1996.

The Agreements supplement a Short Term Capacity and Energy Sales umbrella tariff approved by the Commission in Docket No. ER95-782-000 on June 21, 1995.

In accordance with the policy announced in *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, *clarified and reh'g granted in part and denied in part*, 65 FERC ¶ 61,081 (1993). PP&L requests the Commission to make the Agreement effective as of the date of execution of each, because service will be provided under an umbrella tariff and each service agreement is filed within 30 days after the commencement of service. In accordance with 18 CFR 35.11, PP&L has requested waiver of the sixty-day notice period in 18 CFR 35.2(e). PP&L has also requested waiver of certain filing requirements for information previously filed with the Commission in Docket NO. ER95-782-000.

PP&L states that a copy of its filing was provided to the customers involved and to the Pennsylvania Public Utility Commission.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

### 17. The Washington Water Power Company

[Docket No. ER96-807-000]

Take notice that on January 16, 1996, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.12, Amendment No. 2 to its Agreement with the Public Utility District No. 1 of Clark County, Washington for the sale of 100 MW of firm capacity and energy, and 150 MW of winter season peaking capacity and associated energy.

WWP requests that the Commission accept the Amendment for filing effective January 1, 1996 and waive the 60-day notice requirement. A copy of the filing has been served upon Clark. No other entities are a party to this contract and no customers will be adversely effected by the granting of this waiver.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

### 18. The Montana Power Company

[Docket No. ER96-808-000]

Take notice that on January 16, 1996, The Montana Power Company (Montana), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13, a Service Agreement with Jpower, Inc. (Jpower) under FERC Electric Tariff, Second Revised Volume No. 1, a revised Index of Purchasers under said Tariff, and a Certificate of Concurrence from Jpower. A copy of the filing was served upon Jpower.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

### 19. The Montana Power Company

[Docket No. ER96-809-000]

Take notice that on January 16, 1996, The Montana Power Company (Montana), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.12, as an initial rate schedule, a Unit Contingent Capacity and Associated Energy Sales Agreement Between Montana and Industrial Energy Applications, Inc. (IEA).

A copy of the filing was served upon IEA.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

### 20. Louisville Gas and Electric Company

[Docket No. ER96-810-000]

Take notice that on January 16, 1996, Louisville Gas and Electric Company,

tendered for filing copies of service agreements between Louisville Gas and Electric Company and Enron Power Marketing, Inc. under Rate GSS.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. Louisville Gas and Electric Company

[Docket No. ER96-811-000]

Take notice that on January 16, 1996, Louisville Gas and Electric Company, tendered for filing copies of service agreements between Louisville Gas and Electric Company and Noram Energy Services, Inc. under Rate GSS.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

22. New York State Electric & Gas Corporation

[Docket No. ER96-812-000]

Take notice that on January 16, 1996, New York State Electric & Gas Corporation (NYSEG), tendered for filing pursuant to 35.12 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35.12, as an initial rate schedule, an agreement with Long Sault, Inc. (Long Sault). The agreement provides a mechanism pursuant to which the parties can enter into separately scheduled transactions under which NYSEG will sell to Long Sault and Long Sault will purchase from NYSEG either capacity and associated energy or energy only as the parties may mutually agree.

NYSEG requests that the agreement become effective on January 17, 1996, so that the parties may, if mutually agreeable, enter into separately scheduled transactions under the agreement. NYSEG has requested waiver of the notice requirements for good cause shown.

NYSEG served copies of the filing upon the New York State Public Service Commission and Long Sault.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

23. The Montana Power Company

[Docket No. ER96-813-000]

Take notice that on January 16, 1996, The Montana Power Company (Montana), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13, as a change in rate schedule, Supplements to Rate Schedule FERC No. 175, the General Transfer Agreement between The Montana Power Company and the Bonneville Power Administration (Bonneville).

A copy of the filing was served upon Bonneville.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

24. San Diego Gas & Electric Company

[Docket No. ER96-814-000]

Take notice that on January 16, 1996, San Diego Gas & Electric Company (SDG&E), tendered for filing and acceptance, pursuant to 18 CFR 35.12, an Interchange Agreement (Agreement) between SDG&E and Eastex Power Marketing, Inc. (Eastex).

SDG&E requests that the Commission allow the Agreement to become effective on the 4th day of March 1996 or at the earliest possible date.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Eastex.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

25. UtiliCorp United Inc.

[Docket No. ER96-815-000]

Take notice that on January 16, 1996, UtiliCorp United Inc. tendered for filing on behalf of its operating division, WestPlains Energy-Kansas, a Service Agreement under its Power Sales Tariff, FERC Electric Tariff Original Volume No. 12, with *Cinergy*. The Service Agreement provides for the sale of capacity and energy by WestPlains Energy-Kansas to *Cinergy* pursuant to the tariff.

UtiliCorp requests waiver of the Commission's Regulations to permit the Service Agreement to become effective in accordance with its terms.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

26. UtiliCorp United Inc.

[Docket No. ER96-816-000]

Take notice that on January 16, 1996, UtiliCorp United Inc. tendered for filing on behalf of its operating division, Missouri Public Service, a Service Agreement under its Power Sales Tariff, FERC Electric Tariff Original Volume No. 10, with *Cinergy*. The Service Agreement provides for the sale of capacity and energy by Missouri Public Service to *Cinergy* pursuant to the tariff.

UtiliCorp requests waiver of the Commission's regulations to permit the Service Agreement to become effective in accordance with its terms.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

27. The Washington Water Power Company

[Docket No. ER96-817-000]

Take notice that on January 16, 1996, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.12, Amendment No. 1 and Amendment No. 2 to their fifteen year Agreement with Puget Sound Power and Light Company. This agreement, originally executed in 1988, is for the sale of 100 MW of capacity and 75 MW of energy. Also submitted for filing was a revised contract rate to be charged to Puget.

WWP requests that the Commission accept the Amendments and revised contract rate for filing, effective April 1, 1995 and waive the 60-day notice requirement. A copy of the filing has been served upon Puget. No other entities are a party to this contract and no customers will be adversely affected by the granting of this waiver.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-2443 Filed 2-5-96; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. EG96-31-000, et al.]

**AEP Resources Gippisland Power L.L.C., et al., Electric Rate and Corporate Regulation Filings**

January 30, 1996.

Take notice that the following filings have been made with the Commission:

1. AEP Resources Gippsland Power, L.L.C.

[Docket No. EG96-31-000]

On January 19, 1996, AEP Resources Gippsland Power, L.L.C. ("Applicant"), with its principal office at c/o AEP Resources, Inc., 1 Riverside Plaza, Columbus, Ohio 43215, filed with the Federal Energy Regulatory Commission (the "Commission") an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations. Applicant states that it will be engaged directly, or indirectly through one or more affiliates, as defined in Section 2(a)(11)(B) of PUHCA, and exclusively in the business of owning and/or operating, an undivided interest in an eligible facility and selling electric energy at wholesale. The eligible facility consists of a brown coal-fired electric generating facility located in Victoria, Australia.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. CEA (Bermuda) Holdings II, Ltd.

[Docket No. EG96-32-000]

On January 19, 1996, CEA (Bermuda) Holdings II, Ltd. ("Applicant"), with its principal office at Church Street, Clarendon House, Hamilton HM11, Bermuda, filed with the Federal Energy Regulatory Commission (the "Commission") an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations. Applicant states that it will be engaged directly, or indirectly through one or more affiliates, as defined in Section 2(a)(11)(B) of PUHCA, and exclusively in the business of owning and/or operating, an undivided interest in an eligible facility and selling electric energy at wholesale. The eligible facility consists of a brown coal-fired electric generating facility located in Victoria, Australia.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. PMDC Gippsland LDC

[Docket No. EG96-33-000]

On January 19, 1996, PMDC Gippsland LDC ("Applicant"), with its principal office at c/o CITGO Trust Co. (Cayman Islands) Ltd., Corporate Centre, P.O. Box 31106 SMB, Grand Cayman,

B.W.I. filed with the Federal Energy Regulatory Commission (the "Commission") an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations. Applicant states that it will be engaged directly, or indirectly through one or more affiliates, as defined in Section 2(a)(11)(B) of PUHCA, and exclusively in the business of owning and/or operating, an undivided interest in an eligible facility and selling electric energy at wholesale. The eligible facility consists of a brown coal-fired electric generating facility and an adjacent brown coal mine located in Victoria, Australia.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. AEP Resources International, Limited

[Docket No. EG96-34-000]

On January 19, 1996, AEP Resources International, Limited ("Applicant"), with its principal office at c/o Calendonian Bank & Trust Limited, Ground Floor, Calendonian House, Mary Street, P.O. Box 1043, Georgetown, Grand Cayman, B.W.I., filed with the Federal Energy Regulatory Commission (the "Commission") an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations. Applicant states that it will engage (a) directly, or indirectly through one or more affiliates, as defined in Section 2(a)(11)(B) of PUHCA, and exclusively in the business of owning and/or operating, an undivided interest in an eligible facility and selling electric energy at wholesale; and (b) in the pursuit of project development opportunities relating to the potential acquisition of ownership interests in as-yet-unidentified "eligible facilities", within the meaning of Section 32(a)(2) of PUHCA, and/or EWGs. The eligible facility consists of brown coal-fired electric generating facility located in Victoria, Australia.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

5. AEP Resources Project Management Company, Limited

[Docket No. EG96-35-000]

On January 19, 1996, AEP Resources Project Management Company, Limited ("Applicant"), with its principal office at c/o Calendonian Bank & Trust Limited, Ground Floor, Calendonian House, Mary Street, P.O. Box 1043, Georgetown, Grand Cayman, B.W.I., filed with the Federal Energy Regulatory Commission (the "Commission") an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations. Applicant states that it will engage (a) directly, or indirectly through one or more affiliates, as defined in Section 2(a)(11)(B) of PUHCA, and exclusively in the business of owning and/or operating, an undivided interest in an eligible facility and selling electric energy at wholesale; and (b) in the pursuit of project development opportunities relating to the potential acquisition of ownership interests in as-yet-unidentified "eligible facilities", within the meaning of Section 32(a)(2) of PUHCA, and/or EWGs. The eligible facility consists of a brown coal-fired electric generating facility located in Victoria, Australia.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

6. Gippsland Energy, L.L.C.

[Docket No. EG96-36-000]

On January 19, 1996, Gippsland Energy, L.L.C. ("Applicant"), with its principal office at c/o Corporation Service Company, 1013 Centre Road, Wilmington, Delaware, filed with the Federal Energy Regulatory Commission (the "Commission") an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations. Applicant states that it will be engaged directly, or indirectly through one or more affiliates, as defined in Section 2(a)(11)(B) of PUHCA, and exclusively in the business of owning and/or operating, an undivided interest in an eligible facility and selling electric energy at wholesale. The eligible facility consists of a brown coal-fired electric generating facility located in Victoria, Australia.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit the consideration of comments to those that concern the adequacy or accuracy of the application.



## 7. Northern States Power Company

[Docket No. EL91-43-000]

Take notice that on January 19, 1996, Northern States Power Company tendered for filing information pursuant to the Commission's December 20, 1995, order in the above-referenced docket.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

## 8. Alabama Power Company

[Docket No. ER96-480-000]

Take notice that on January 25, 1996, Alabama Power Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

## 9. Montana Power Company

[Docket No. ER96-606-000]

Take notice that on January 16, 1996, Montana Power Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

## 10. Northeast Utilities Service Company

[Docket No. ER96-818-000]

Take notice that on January 16, 1996, Northeast Utilities Service Company (NUSCO), tendered for filing, a Service Agreement to provide non-firm transmission service to Pinetree Power Fitchburg, L.P. (Pinetree) under the NU System Companies' Transmission Service Tariff No. 2.

NUSCO states that a copy of this filing has been mailed to Pinetree.

NUSCO requests that the Service Agreement become effective sixty (60) days after receipt of this filing by the Commission.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

## 11. Heartland Energy Services, Inc.

[Docket No. ER96-819-000]

Take notice that on January 16, 1996, Heartland Energy Services, Inc. (Heartland), tendered for filing with the Federal Energy Regulatory Commission information relating to the above docket.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

## 12. Orange and Rockland Utilities, Inc.

Docket No. ER96-820-000

Take notice that on January 16, 1996, Orange and Rockland Utilities, Inc. (Orange and Rockland), tendered for filing pursuant to 18 CFR 35.12 an

executed agreement between Orange and Rockland and the New York Power Authority (NYPA) which provides for Orange and Rockland's interconnection with NYPA's 345 kV Marcy South transmission line.

Orange and Rockland respectfully requests waiver of the 120-day notice requirement in order to permit an effective date of April 1, 1996.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

## 13. Pennsylvania-New Jersey-Maryland Interconnection Association

[Docket No. ER96-821-000]

Take notice that on January 16, 1996, the Pennsylvania-New Jersey-Maryland (PJM) Interconnection Association filed, on behalf of the signatories to the PJM Agreement, a Non-Replacement Energy Agreement between ENRON Power Marketing, Inc. and Public Service Electric and Gas Company, PECO Energy Company, Pennsylvania Electric Company, Metropolitan Edison Company, Jersey Central Power and Light Company, Potomac Electric Power Company, Atlantic City Electric Company, and Delmarva Power & Light Company. Service is expected to commence 60 days from the date of filing.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

## 14. Atlantic City Electric Company

[Docket No. ER96-822-000]

Take notice that on January 16, 1996, Atlantic City Electric Company (ACE), tendered for filing an Agreement for Short-Term Energy Transactions between ACE and Tenneco Energy Marketing (TEM) and an Agreement for Short-Term Energy Transactions between ACE and Rainbow Energy Marketing Corporation (REMC). ACE requests that the Agreement be accepted to become effective January 17, 1996.

Copies of the filing were served on TEM and REMC and the New Jersey Board of Regulatory Commissioners.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

## 15. Wisconsin Electric Power Company

[Docket No. ER96-823-000]

Take notice that on January 16, 1996, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing an Electric Service Agreement and a Transmission Service Agreement between itself and K N Marketing, Inc. (K N). The Electric Service Agreement provides for service under Wisconsin

Electric's Coordination Sales Tariff. The Transmission Service Agreement allows K N to receive transmission service under Wisconsin Electric's proposed FERC Point to Point Transmission Tariff, Rate Schedule STNF, currently pending under the Primergy-WMI Settlement, filed December 7, 1995.

Wisconsin Electric respectfully requests waiver of the Commission's notice requirements and requests an effective date of January 19, 1996 in order to facilitate economic transactions under these agreements. Copies of the filing have been served on K N, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

## 16. Illinois Power Company

[Docket No. ER96-824-000]

Take notice that on January 16, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing firm and non-firm transmission agreements under which Louis Dreyfus Electric Power Inc. will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of January 9, 1996.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

## 17. Southern Company Services, Inc.

[Docket No. ER96-825-000]

Take notice that on January 16, 1996, Southern Company Services, Inc. ("SCS"), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as "Southern Companies") filed three (3) service agreements between SCS, as agent of the Southern Companies, and i) Phibro, Inc., ii) Valero Power Services Company and iii) Alabama Municipal Electric Authority for non-firm transmission service under the Point-to-Point Transmission Service Tariff of Southern Companies.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

## 18. Wisconsin Electric Power Company

[Docket No. ER96-826-000]

Take notice that on January 16, 1996, Wisconsin Electric Power Company



(Wisconsin Electric), tendered for filing a Network Transmission Service Agreement to provide service for the City of Kiel, Wisconsin (Kiel) under Wisconsin Electric's proposed FERC pro-forma Network Transmission Tariff, currently pending under the Primergy-WMI Settlement, filed December 7, 1995.

Wisconsin Electric requests waiver of the Commission's notice requirements to allow an effective date of December 15, 1995, in order to implement the Agreement's modifications, which do not result in revenue increases.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Universal Power Services, L.L.C.

[Docket No. ER96-827-000]

Take notice that on January 16, 1996, Universal Power Services, L.L.C. (Universal), tendered for filing pursuant to Rule 205, 18 CFR 385.205 an application for a blanket certificate and various other authorizations and waivers from the Commission, including approval of its FERC Electric Rate Schedule No. 1 to be effective upon acceptance by the Commission for filing.

Universal proposes to engage in the wholesale electric power market as a broker, financial optionor and marketer buying and selling electric power. Specifically, Universal proposes to purchase electric energy and transmission capacity from public utilities and other power producers, and resell such energy and capacity to others. Universal anticipates that such transactions will vary in duration and quality of service relative to interruptibility. In addition, the price it proposes to charge for its services shall be negotiated, market-based rates. Universal states that it is not affiliated with any other company providing services to the power industry, nor does it own or operate electric power generation, transmission, or distribution facilities, and therefore, it has no market power in the electric power market.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. Louisville Gas and Electric Company

[Docket No. ER96-828-000]

Take notice that on January 16, 1996, Louisville Gas and Electric Company, tendered for filing copies of a service agreement between Louisville Gas and Electric Company and Electric Clearinghouse, Inc. under Rate GSS.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. Commonwealth Edison Company

[Docket No. ER96-834-000]

Take notice that on January 16, 1996 Commonwealth Edison Company (ComEd) submitted three Service Agreements, establishing KN Energy, Inc. (KN Energy), dated December 11, 1995, Sonat Power Marketing Inc. (Sonat), dated December 18, 1995, and Cinergy Services, Inc. (Cinergy), dated November 7, 1995 as customer under the terms of ComEd's Power Sales Tariff PS-1 (PS-1 Tariff). The Commission has previously designated the PS-1 Tariff as FERC Electric Tariff, Original Volume No. 2.

ComEd requests an effective date of December 13, 1995 for the Service Agreements between ComEd and Kn Energy and Cinergy, and an effective date of December 18, 1995 for the Service Agreement with Sonat and accordingly seeks waiver of the Commission's requirements. Copies of this filing were served upon KN Energy, Sonat, Cinergy and the Illinois Commerce Commission.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

22. Wisconsin Public Service Corporation

[Docket No. ER96-835-000]

Take notice that on January 16, 1996, Wisconsin Public Service Corporation tendered for filing an executed service agreement with Koch Power Services, Inc. under its CS-1 Coordination Sales Tariff.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

23. The Washington Water Power Company

[Docket No. ER96-836-000]

Take notice that on January 16, 1996 The Washington Water Power Company (WWP) tendered for filing with the Federal Energy Regulatory Commission two signed service agreements under FERC Electric Tariff Volume No. 4 with Phibro, Inc. and Industrial Energy applications. Also submitted with this filing is a Certificate of Concurrence for each company with respect to exchanges. WWP requests waiver of the prior notice requirement and requests an effective date of February 1, 1996.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

24. Entergy Services, Inc.

[Docket No. ER96-837-000]

Take notice that on January 16, 1996, Entergy Services, Inc. (Entergy Services), on behalf of Gulf States Utilities Company tendered for filing a Letter Agreement between Entergy Services, Inc. and Sam Rayburn Generation and Transportation Electric Cooperative, Inc. (SRG&T), acting as agent for Jasper-Newton Electric Cooperative, Inc. (JNEC). Entergy Services states that the Letter Agreement sets out a new delivery point between Entergy Services and SRG&T. SRG&T has promised a contribution-in-aid-of-construction (CIAC) in return for Entergy Services constructing the structures necessary to loop GSU/Entergy's 138 kV Line No. 455 in and out of the SRG&T/JNEC Holly Springs Substation. The in-service date for this project is estimated to be March 31, 1996. Entergy Services will not collect any monies under this agreement until after work is completed.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

25. Entergy Services, Inc.

[Docket No. ER96-838-000]

Take notice that on January 16, 1996, Entergy Services, Inc. (Entergy Services), on behalf of Gulf States Utilities Company tendered for filing a Letter Agreement between Entergy Services, Inc. and Sam Rayburn Municipal Power Agency (SRMPA). Entergy Services states that the Letter Agreement sets out a new delivery point between Entergy Services and SRMPA. SRMPA has promised a contribution-in-aid-of-construction (CIAC) in return for Entergy Services constructing the new extension of SRMPA's 138 kV Line out of their Livingston substation to serve their proposed Ogletree Substation. Entergy Services has not collected any monies owed it for the construction.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

26. Entergy Services, Inc.

[Docket No. ER96-839-000]

Take notice that on January 16, 1996, Entergy Services, Inc. (Entergy Services), on behalf of Gulf States Utilities Company tendered for filing a Letter Agreement between Entergy Services, Inc. and Sam Rayburn Municipal Power Agency (SRMPA). Entergy states that the Letter Agreement sets out a new delivery point between Entergy Services and SRMPA. SRMPA has promised a contribution-in-aid-of-

construction (CIAC) in return for Entergy Services constructing the new extension of SRMPA's 138 kV line out of their Jason Substation to serve their proposed Lindsey Substation. Entergy Services has not collected any monies owned it for the construction.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

#### 27. Blandin Paper Company

[Docket No. ER96-841-000]

Take notice that on January 16, 1996 Blandin Paper Company tendered for filing initial rates for the sale of capacity and energy to Minnesota Power & Light Company (MP&L).

A copy of the filing has been served on MP&L.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

#### 28. Entergy Services, Inc.

[Docket No. ER96-842-000]

Take notice that on January 16, 1996, Entergy Services, Inc. (Entergy Services), on behalf of Gulf States Utilities Company tendered for filing a Letter Agreement between Entergy Services, Inc. and Cajun Electric Power Cooperative, Inc. (CAJUN). Entergy Services states that the Letter Agreement calls for Entergy Services to temporarily install a 2,000 Amp 69 kV breaker, as a contingency by-pass, at the Coly Substation. CAJUN has promised a contribution-in-aid-of-construction (CIAC) in return for Entergy Services installing the breaker. Entergy Services has not collected any monies owed it for the construction.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

#### 29. Idaho Power Company

[Docket No. ER96-840-000]

Take notice that on January 16, 1996, Idaho Power Company (IPC) tendered for filing with the Federal Energy Regulatory Commission its Letter Agreement dated November 13, 1995 between IPC and Rainbow Energy Marketing Corporation to supply Rainbow 24 hour day transaction accounting services.

*Comment date:* February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

#### Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C.

20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96-2442 Filed 2-5-96; 8:45 am]

BILLING CODE 6717-01-P

### Notice of Intent To Prepare an Environmental Assessment, Conduct Site Visit, Solicit Interventions, Protests, and Written Scoping Comments

January 31, 1996

This notice was previously published in the Federal Register and the Twin Falls Times-News with January 9 and 10 as the dates for the site visit and scoping meetings. However, Commission staff was unable to travel and hold the scoping meeting due to the snow storm. Therefore, this notice is being republished with new dates.

a. *Type of Application:* Minor license (less than 5MW).

b. *Project No:* 11060-001.

c. *Dated filed:* December 9, 1993.

d. *Applicant:* J.M. Miller Enterprises, Inc.

e. *Name of Project:* Sahko Hydroelectric Project.

f. *Location:* In the Kastelu drainage area about 0.5 miles from the confluence with the Snake River in Twin Falls County, Idaho, near the town of Filer.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)-825(r).

h. *Applicant Contact:*

Donald W. Block, P.E., J-U-B Engineers, Inc., 800 Falls Ave., Twin Falls, ID 83301, (208) 733-2414

Tracy Ahrens, J-U-B Engineers, Inc., 800 Falls Ave., Twin Falls, ID 83301, (208) 733-2414

i. *FERC Contact:* Ms. Deborah Frazier-Stutely (202) 219-2842.

j. *Deadline for filing protests, motions to intervene and written scoping comments:* March 22, 1996.

k. *Status of Environmental Analysis:*

The application is not ready for environmental analysis at this time—see attached paragraph D8.

1. Intent to Prepare and Environmental Assessment and

Invitation for Written Scoping Comments: The Commission staff intends to prepare and Environmental Assessment (EA) on this hydroelectric project in accordance with the National Environmental Policy Act. In the EA, we will consider both site-specific and cumulative environmental impacts of the project and reasonable alternatives, and will include an economic, financial, and engineering analyses.

A draft EA will be issued and circulated for review by all interested parties. All comments filed on the draft EA will be analyzed by the staff and considered in a final EA. The staff's conclusions and recommendations will then be presented for consideration by the Commission in reaching its final licensing decision.

*Site Visit:* A site visit to the proposed Sahko Hydroelectric Project is planned for February 21, 1996. Those who wish to attend should plan to meet at 8:00 am at the J-U-B Engineers, Inc. Twin Falls Office, 800 Falls Ave., Twin Falls, ID. If you plan to attend, contact Mr. Tracy Ahrens by February 19, 1996, at (208) 733-2414 for directions or additional details.

*Scoping Meetings:* Staff will hold two scoping meetings. A scoping meeting oriented towards the public will be held on Wednesday, February 21, 1996, at 7:00 p.m., at Filer High School, Highway 30, Filer, Idaho. A scoping meeting oriented towards the agencies will be held on Thursday, February 22, 1996, at 9:00 a.m., at the Filer City Hall, Council Chambers, 300 Main Street, Filer, ID 83328.

Interested individuals, organizations, and agencies are invited to attend either or both meetings and assist the staff in identifying the scope of environmental issues that should be analyzed in the EA.

To help focus discussions at the meetings, a scoping document outlining subject areas to be addressed in the EA will be mailed to agencies and interested individuals on the Commission mailing list. Copies of the scoping document will also be available at the scoping meetings.

*Objectives:* At the scoping meetings the staff will: (1) identify preliminary issues related to the proposed project; (2) identify issues that are not important and do not require detailed analysis; (3) identify reasonable alternatives to be addressed in the EA; (4) solicit from the meeting participants all available information, especially quantified data, on the resource issues; and (5) encourage statements from experts and the public on issues that should be analyzed in the EA, including points of

view in opposition to, or in support of, the staff's preliminary views.

**Procedures:** The scoping meetings will be recorded by a court reporter and all statements (oral and written) will become a part of the formal record of the Commission's proceedings on the Sahko Hydroelectric Project. Individuals presenting statements at the meetings will be asked to clearly identify themselves for the record.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meetings and assist the staff in defining and clarifying the issues to be addressed in the EA.

Persons choosing not to speak at the meetings, but who have views on the issues or information relevant to the issues, may submit written statements for inclusion in the public record at the meetings. In addition, written scoping comments may be filed with the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426, until March 22, 1996.

All written correspondence should clearly show the following caption on the first page: Sahko Hydroelectric Project, FERC No. 11060-000.

**Intervenors**—those on the Commission's service list for this proceeding (parties—are reminded of the Commission's Rules of Practice and Procedure, requiring parties filing documents with the Commission, to serve a copy of the document on each person whose name appears on the official service list. Further, if a party files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. All entities commenting on this scoping document must file an original and eight copies of the comments with the Secretary of the Commission.

Any questions regarding this notice may be directed to Ms. Deborah Frazier-Stutely, Environmental Coordinator, FERC, at (202) 219-2842.

**m. Description of Project:** The proposed project would consist of: (1) a 12-foot-high, 12-foot-wide, 80-foot-long earthfill sediment collection embankment with a crest at elevation 3,397 feet mean sea level (MSL), containing a broadcrest weir, a 4-foot-high 14-foot-wide overflow spillway, and a bypass pipe; (2) a 500-foot-long bypass ditch to be used during maintenance; (3) a 12-foot-high, 12-foot-wide, 110-foot-long earthfill intake embankment with a crest at elevation 3,394.5 feet msl, containing a concrete

overflow spillway, an 8-foot-wide box shaped intake structure, and bypass pipe; (4) two unnamed springs; (5) a 24-inch-diameter, 1,950-foot-long partially buried steel penstock with a butterfly valve; (6) a 25-foot-wide, 50-foot-long masonry block powerhouse containing one pelton turbine and generating unit with an installed capacity of 500 kW; (7) a 6-foot-wide, 3-foot-high, 30-foot-long rock rip-rap tailrace, discharging project flows into the Snake River; (8) a switchyard; (9) a 2,000-foot-long, 34.5-kV transmission line tying into an Idaho Power Company line; and (10) related facilities.

The proposed project would operate run-of-ditch, where the project will use whatever flows enter the sediment impoundment as either irrigation waste flows or as emanating from the two unnamed springs on the applicant's property, and would generate about 1,178,000 kilowatthours of energy annually.

**n. Purpose of Project:** Project power will be sold to a local utility.

**o. This notice also consists of the following standard paragraphs:** A2, A9, B1, D8.

**p. Available Locations of Applications:** A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at the applicant's office (see item (h) above).

**A2. Development Application**—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

**A9. Notice of Intent**—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be

served on the applicant(s) names in this public notice.

**B1. Protests or Motions to Intervene**—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

**D8. Filing and Service of Responsive Documents**—The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE," NOTICE OF INTENT TO FILE COMPETING APPLICATION," or "COMPETING APPLICATION;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Linwood A. Watson, Jr.,

*Acting Secretary.*

[FR Doc. 96-2412 Filed 2-5-96; 8:45 am]

BILLING CODE 6717-01-M

**[Project No. 10756-001]****Blue Diamond Power Partners; Notice of Public Meeting in Las Vegas, Nevada, To Discuss the Draft Environmental Impact Statement for the Proposed Licensing of the Blue Diamond South Hydroelectric Project**

January 31, 1996.

The Federal Energy Regulatory Commission (FERC) issued a Draft Environmental Impact Statement (Draft EIS) for the Blue Diamond South Hydroelectric Project, No. 10756-001, on January 26, 1996. The proposed 200-megawatt pumped storage project would be located about five miles west of Las Vegas in Clark County, Nevada.

Commission staff will conduct a public meeting to: (1) present the Draft EIS finding, (2) solicit public comment on the Draft EIS, and (3) answer questions about the Draft EIS. All interested individuals, organizations, and agencies are invited to attend the meeting.

The public meeting will be conducted on Monday evening, February 26, 1996, from 6:30 p.m. to 8:30 p.m., at the West Charleston Library, 6301 West Charleston Boulevard, in Las Vegas, Nevada.

The public meeting will be recorded by a court reporter, and all meeting statements (oral and written) will become part of the Commission's public record of this proceeding. Individuals presenting statements at the meeting will be asked to sign in before the meeting starts and to identify themselves for the record. Anyone wishing to receive a copy (for a fee) of the transcript of the meeting may contact Ann Riley & Associates by calling (202) 482-0034.

For further information, please contact Dianne Rodman at (202) 219-2830.

Linwood A. Watson, Jr.,

*Acting Secretary.*

[FR Doc. 96-2408 Filed 2-5-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RM95-3-000; Docket No. RM95-4-000]****Filing and Reporting Requirements for Interstate Natural Gas Companies Rate Schedules and Tariffs; Revisions to Uniform System of Accounts Forms, Statements, and Reporting Requirements for Natural Gas Companies; Notice of Time and Agenda for Working Groups**

January 31, 1996.

Take notice that the dates for the second meetings of the working groups

established pursuant to the orders issued in Docket Nos. RM95-3-000 and RM95-4-000<sup>1</sup> are as follows:

The meeting for WORKING GROUP-FORMS will begin at 9 a.m.,  
*Wednesday, February 7, 1996.*

The meeting for WORKING GROUP-FILINGS will begin at 9 a.m.,  
*Thursday, February 8, 1996.*

These meetings will take place in a room of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

All interested persons are invited to attend. Participation in the working groups is not limited to those who have already signed up.

The goals for the February 7, 1996 meeting of Working Group-Forms are to:

- Complete work on Form No. 11;
- Discuss the data model for Form No. 2;
- Discuss some of the problem pages in Form No. 2 identified at the last working group meeting.

The goals for the February 8, 1996 meeting of Working Group-Filings are to discuss:

- The test pipelines' experiences creating their sample rate case schedules in tab delimited format;
- File naming conventions;
- Amount of data to be included in each file; and
- Statements G, O, and P.

In order for the meetings to be as productive as possible, the Commission has established a separate menu item on the Gas Pipeline Data (GPD) portion of the Commission's bulletin board system entitled "Order 581/582 Working Groups." This portion of the GPD will be further subdivided into subsections for Form 2, Form 11, rate filings, and comments. The following information may be found under these subsections:

**Comments**

- All comments submitted to staff dealing with issues under discussion in the working groups.
- Summaries of the working group meetings.

**Form 2; Form 11; Rate Filings**

- Items upon which staff wishes working group participants to comment.
- Sample electronic filing specifications.

<sup>1</sup> Filing and Reporting Requirements for Interstate Natural Gas Companies Rate Schedules and Tariffs, Order No. 582, 60 FR 52960 (October 11, 1995), 72 FERC ¶ 61,300 (1995); and, Revisions to Uniform System of Accounts Forms, Statements, and Reporting Requirements for Natural Gas Companies, Order No. 581, 60 FR 53019 (October 11, 1995), 72 FERC ¶ 61,301 (1995).

—Sample delimited files.

Under the subsection for Form 11, staff has made available several items discussed at the working group meeting on December 12, including:

- A *pro forma* file specification for Form 11 for discussion purposes,
- A sample tab delimited file for Form 11, and
- An image of the sample spreadsheet containing the Form 11 data prepared for printing.

The Comments section contains the comments received on December 15, 1995, discussing the appropriate treatment of text in the electronic filings.

The rate filings section contains the test files and related comments of the pipelines who agreed to create tab delimited files for selected cost of service statements. We encourage working group participants to download and review these files prior to our next working group meeting.

Staff is making every effort to complete the Form No. 2 data model so it can be available on GPD prior to the next working group meeting. When available, the file will be found under the Form 2 subsection of the Order 581/582 Working Groups menu. Similarly, staff will attempt to make a more detailed agenda available prior to the meetings. If available in time, this agenda will appear in the Comments subsection of the Order 581/582 Working Groups menu.

The sample spreadsheet and file specifications for Form No. 11 and some of the comments are in a file format produced by Adobe Acrobat software. To read these files, you must download the Acrobat Reader. With this software, you will be able to read or print all files with the extension .pdf. If you experience printing problems, please refer to the file entitled, *readme\_r.txt*, accompanying the Acrobat software.

Staff invites written comments on the above listed issues and topics of discussion. Comments should be addressed to Richard A. White, Office of General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments should be received by February 2, 1996. We encourage commenters to submit their comments on a 3½" diskette in Rich Text Format or ASCII so they can be posted on the Commission's bulletin board.

Any parties wishing to make a presentation at the meetings should contact Richard White, PHONE: (202) 208-0491, FAX: (202) 208-0017.

This document is available for inspection or copying by accessing the

Commission Issuance Posting System (CIPS). CIPS and GPD are part of the Commission's electronic bulletin board system providing access to documents issued by or available electronically from the Commission. CIPS and GPD are available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397, if local, or 1-800-856-3920, if long distance.

In addition to this notice, the most current list of those that signed up for participation in the working groups will also be posted on CIPS. Information concerning working group meetings will be posted on CIPS on a regular basis. Up-to-date information can be found in bulletin 20 on CIPS or bulletin 9 on GPD. A summary of the meeting held on December 12, 1995, can be found on GPD under the Working Group section of the menu in the Comments subsection.

To access the Commission's bulletin board system, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, 1200, or 300 bps, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS for 60 days from the date of issuance in ASCII and WordPerfect 5.1 format.

The Commission's bulletin board system can also be accessed through the FedWorld system directly by modem or through the Internet.

By modem:

Dial (703) 321-3339 and logon to the FedWorld system. After logging on, type:

/go FERC

Through the Internet:

Telnet to: fedworld.gov

Select the option: [1] FedWorld

Logon to the FedWorld system

Type: /go FERC

Or:

Point your Web Browser to: http://

www.fedworld.gov

Scroll down the page to select FedWorld

Telnet Site

Select the option: [1] FedWorld

Logon to the FedWorld system

Type: /go FERC

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96-2421 Filed 2-5-96; 8:45 am]

BILLING CODE 6717-01-M

### **Proposed Rate Adjustment, Public Hearing, and Opportunities for Public Review and Comment**

**AGENCY:** Southeastern Power Administration (Southeastern), Department of Energy.

**ACTION:** Notice of proposed rate extension, public hearing, and opportunities for public review and comment.

**SUMMARY:** Southeastern proposes to extend Rate Schedules KP-1-D, JHK-2-B, JHK-3-B, and PH-1-B, currently applicable to Kerr-Philpott Projects' power, October 1, 1996, through September 30, 2001. Opportunities will be available for interested persons to review the present rates, the proposed rates and supporting studies, to participate in a hearing and to submit written comments.

Southeastern will evaluate all comments received in this process.

**DATES:** Written comments are due on or before May 16, 1996. A public Information and public comment forum will be held in Raleigh, North Carolina, on March 14, 1996. Persons desiring to speak at the forum should notify Southeastern at least 7 days before the forum is scheduled so that a list of forum participants can be prepared. Others present may speak, if time permits. Persons desiring to attend the forum should notify Southeastern at least 7 days before the forum is scheduled. If Southeastern has not been notified by close of business on March 7, 1996, that at least one person intends to be present at the forum, the forum will be cancelled with no further notice.

**ADDRESSES:** Five copies of written comments should be submitted to: Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, 2 South Public Square, Elberton, Georgia 30635. The public comment forum will begin at 10 a.m. on March 14, 1996, in the Sheraton Inn Raleigh at Crabtree Valley, 4501 Creedmoor Road, Raleigh, North Carolina 27612.

**FOR FURTHER INFORMATION CONTACT:** Leon Jourolmon, Assistant Administrator, Finance & Marketing, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, 2 South Public Square, Elberton, Georgia 30635, (706) 213-3800.

**SUPPLEMENTARY INFORMATION:** The Federal Power Commission by order issued December 5, 1991, in Docket No. EF91-3041-000, confirmed and approved Wholesale Power Rate Schedules KP-1-D, JHK-2-B, JHK-3-B, and PH-1-B applicable to Kerr-Philpott Projects' power for a period ending September 30, 1996.

Discussion

Existing rate schedules are predicated upon a June 1991 repayment study and

other supporting data all of which are contained in EF91-3041-000. A January 1996 repayment study prepared using present rates demonstrates that all costs are paid within their repayment life. Therefore, Southeastern is proposing to extend the four present rate schedules. The demand charge applicable to preference customers remains at the \$1.86 per kilowatt of monthly demand and the energy charge remains at 7.67 mills per kilowatt-hour.

The referenced January 1996 system repayment study along with previous system repayment studies are available for examination at the Samuel Elbert Building, 2 South Public Square, Elberton, Georgia 30635. Proposed Rate Schedules KP-1-D, JHK-2-B, JHK-3-B, and PH-1-B are also available.

Issued at Elberton, Georgia, January 25, 1996.

Charles A. Borchardt,  
Administrator.

[FR Doc. 96-2525 Filed 2-5-96; 8:45 am]

BILLING CODE 6450-01-P

### **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5417-7]

#### **Agency Information Collection Activities Under OMB Review; Used Oil Management Standards Recordkeeping and Reporting Requirements**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Used Oil Management Standards Recordkeeping and Reporting Requirements, ICR No. 128604, OMB No. 2050-0124, expires 3/31/99. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before [Insert date 30 days after publication in the Federal Register].

**FOR FURTHER INFORMATION OR A COPY CALL:**

Sandy Farmer at EPA, (202) 260-2740, and refer to EPA ICR No. 1286.04.

**SUPPLEMENTARY INFORMATION:**

*Title:* Used Oil Management Standards Recordkeeping and Reporting Requirements, ICR No. 1286.04, OMB No. 2050-0124, expires 3/31/99. This is a request for reinstatement of a currently approved collection.

*Abstract:* Under statutory authority found in section 3014 of RCRA, EPA established mandatory regulations (See 40 CFR Part 279) that control the storage of used oil in aboveground tanks and containers to minimize potential releases from these units. It establishes notification and testing requirements, and tracking and recordkeeping requirements for used oil transporters, processors, re-refiners, and burners to document the movement of used oil. It also sets standards for the prevention and cleanup of releases to the environment during storage and transit and for the safe closure of storage units and processing and re-refining facilities to mitigate future releases and damages. EPA believes these requirements mitigate potential hazards to human health and the environment from the potential mismanagement of used oils by used oil handlers, while providing for the recycling of used oil. This information will be used to ensure compliance with the Used Oil Management Standards.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 9/1/95 (60 FR 45714); one comment was received.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to range from eight minutes to 108 hours per response depending on the type of response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of

information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondent/Affected Entities:* business.

*Estimated Number of Respondents:* 1,790.

*Frequency of Response:* biennially.

*Estimated Total Annual Hour Burden:* 75,618 hours.

*Estimated Total Annualized Cost Burden:* \$2,580,105.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1286.04 and OMB Control No. 2050-0124 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2136), 401 M Street, SW., Washington, DC 20460.

and  
Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

Dated: January 30, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96-2500 Filed 2-5-96; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5417-8]

### **Agency Information Collection Activities Under OMB Review**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Action (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument

**DATES:** Comments must be submitted on or before [Insert date 30 days after publication in the Federal Register].

**FOR FURTHER INFORMATION OR A COPY CALL:**

Sandy Farmer at EPA, (202) 260-2740, and refer to EPA ICR No. 0969.04.

*Title:* Final Authorization for Hazardous Waste Management Programs, OMB CONTROL NO. 2050-0041, EPA ICR No. 0969.04. This is a request for extension of a currently approved collection.

*Abstract:* In order for a State to obtain final authorization for a State hazardous waste program or to revise its previously authorized program, it must submit an official application to the EPA Regional office for approval. The purpose of the application is to enable EPA to properly determine whether the State's program meets the requirements of § 3006 of RCRA. As required by § 271.5, the submission for final authorization must contain the following:

(1) A letter from the Governor of the State requesting program approval;

(2) A complete program description, as required by § 271.6 describing how the State intends to carry out its responsibilities under this subpart;

(3) An Attorney General's statement as required by § 271.7;

(4) A Memorandum of Agreement with the Regional Administrator as required by § 271.8;

(5) Copies of all applicable State statutes and regulations, including those governing State administrative procedures; and

(6) The showing required by § 271.20(c) of the State's public participation activities prior to program submission.

A State with an approved program may voluntarily transfer program responsibilities to EPA by notifying EPA of the proposed transfer, including submission of a plan for the orderly transfer of all relevant program information not in the possession of EPA, as required by section 271.23. Further, EPA may withdraw a State's authorized program under section 271.23.

Either EPA or the approved State may initiate a revision to the authorized program. State program revision may be necessary when the controlling Federal or State statutory or regulatory authority is modified or supplemented. In the event that the State is revising its program by adopting new Federal requirements, the State shall prepare and submit modified revisions of the program description, Attorney General's statement, Memorandum of Agreement, or such other documents as EPA determines to be necessary. The State shall inform EPA of any proposed modifications to its basic statutory or regulatory authority, its forms, procedures, or priorities, in accordance with section 271.21. If a State is proposing to transfer all or any part of any program from the approved State

agency to any other agency, it must notify EPA in accordance with section 271.21 and submit revised organizational charts as required under section 271.6, in accordance with section 271.21. Further, whenever EPA has reason to believe that circumstances have changed with respect to a State program, EPA may request, and the State shall provide, a supplemental Attorney General's statement, program description, or such other documents or information as are necessary. These paperwork requirements are mandatory under § 3006(a). EPA will use the information submitted by the State in order to determine whether the State's program meets the statutory and regulatory requirements for authorization. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on October 2, 1995 (60 FR 51471); no comments were received.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 293 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** States with authorized State Programs.

**Estimated Number of Respondents:** 49 per year.

**Frequency of Response:** 18 per year.

**Estimated Total Annual Hour Burden:** 5370 hours.

**Estimated Total Annualized Cost Burden:** \$147,776.

Send comments on the Agency's need for this information, the accuracy of the

provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following address. Please refer to EPA ICR No. 0969.04 and OMB Control No. 2050-0041 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2136), 401 M Street, SW, Washington, DC 20460.

and  
Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: January 31, 1996.

Joseph Retzer,

*Director, Regulatory Information Division.*

[FR Doc. 96-2490 Filed 2-5-96; 8:45 am]

BILLING CODE 6560-50-M

#### [FRL-5417-9]

#### **Science Advisory Board; Notification of Public Advisory Committee Meeting; Open Meeting**

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Science Advisory Board's (SAB's) Executive Committee will conduct a public meeting.

The meeting will be held on Thursday and Friday, February 28-29, 1996. On Thursday the meeting will convene at 8:30 a.m., in the Administrator's Conference Room 1103 West Tower of the U.S. Environmental Protection Agency Headquarters Building at 401 M Street, SW., Washington, DC 20460, and adjourn no later than 5:30 a.m. On Friday, the meeting will re-convene at 8:30 a.m., and to adjourn not later than 5 p.m. During the latter part of the second day, the Executive Committee will conduct itself as a "Lookout Panel" in order to discuss environmental problems that may emerge over the next several years. The meetings are open to the public, however, seating is limited and available on a first come basis.

At this meeting, the Executive Committee will receive updates from its standing committees and *ad hoc* subcommittees concerning their recent and planned activities. As part of these updates, some committees will present draft reports for Executive Committee review and approval. Expected drafts include:

1. Executive Committee Subcommittee on Hazardous Waste Identification Rule (HWIR)

Review of Issues Associated with the Hazardous Waste Identification Rule (HWIR)

2. Drinking Water Committee
  - a. Advisory on Heterotrophic Plate Count Bacteria
  - b. Advisory on Drinking Water Distribution Systems
3. Radiation Advisory Committee
  - a. Advisory on Environmental Radiation Ambient Monitoring System

Other items on the agenda will likely include:

1. The activities of the Subcommittee on Membership Search
2. Plans for the Board's Reducing Risk-2 study of comparative risk of environmental problems.
3. Discussion with Agency leaders regarding the role of science in various Agency programs

Any member of the public wishing further information concerning either meeting or who wishes to submit comments should contact Dr. Donald G. Barnes, Designated Federal Official for the Executive Committee, Science Advisory Board (1400), U.S. EPA, Washington, DC 20460, phone (202)-260-4126; fax (202)-260-9232; or via the INTERNET at: [barnes.don@epamail.epa.gov](mailto:barnes.don@epamail.epa.gov). Copies of the draft meeting agendas and available draft reports listed above can be obtained from Ms. Priscilla Tillery-Gadson at the above phone and fax numbers.

Dated: January 24, 1996.

Donald G. Barnes,

*Staff Director, Science Advisory Board.*

[FR Doc. 96-2489 Filed 2-5-96; 8:45 am]

BILLING CODE 6560-50-P

#### [FRL-5417-3]

#### **Proposed Second Round De Minimis Settlement Under Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act; In the Matter of Thermo-Chem, Inc.**

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Request for public comment.

**SUMMARY:** Notice of *de minimis* Settlement: in accordance with Section 122(i)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), notice is hereby given of a second round *de minimis* settlement concerning past and estimated future



response actions at the Thermo-Chem, Inc. Site in Muskegon, Michigan. The Department of Justice approved the settlement as set forth in 122(g)(4) of CERCLA.

**DATES:** Comments must be provided on or before March 7, 1996.

**ADDRESSES:** Comments should be addressed to James Hahnenberg, Mail Code MFA-10J, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604, and should refer to: In the Matter of Thermo-Chem, Inc., Docket No. V-W-96-C-319.

**FOR FURTHER INFORMATION CONTACT:** Ignacio L. Arrazola, Mail Code CS-29A, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**SUPPLEMENTARY INFORMATION:** The following parties executed binding certifications of their consent to participate in the settlement: Aero Oil Company, Inc.; American National Can Company; American Coils Spring Co.; James River Paper Company, Inc. & James River Corporation of Virginia; Bush Concrete; C.W. Marsh Company; Checker Motors Corporation; Dale Schaap; Caddillac Plastic Group, Inc. f/k/a Day International Corp.; EBW Inc.; Fort Wayne Pools; Georgia Pacific Corporation; Grav-I-Flo; Howmet Corporation; Cooper Industries, Inc.; Labeltape, Inc.; Label Technique, Inc. n/k/a LTI Printing, Inc.; Champion International Corp.; Simpson Industries, Inc.; Port City Paints, Inc.; Robert's Packaging Corporation; Sunstrand Corporation; Wilson Sporting Goods Co.; The Leisure Group, Inc.; and Montgomery Ward & Co. Incorporated;

These parties will pay approximately \$2,000,000 in settlement payments for response costs related to the Thermo-Chem, Inc. Site, if the United States Environmental Protection Agency determines that it will not withdraw or withhold its consent to the proposed settlement after consideration of comments submitted pursuant to this notice.

U.S. EPA may enter into this settlement under the authority of Section 122(g) of CERCLA. Section 122(g) authorizes *de minimis* settlements with potentially responsible parties ("PRPs") that contributed hazardous substances to a site where those contributions were small and where the toxicity of the substances contributed is not significantly different from the other substances brought to the site. Pursuant to this authority, the agreement proposes to settle with parties who are responsible for less than 1% of the total volume of hazardous substances sent to the site. Settling *de*

*minimis* PRPs will be required to pay their fair share of the past and estimated future response costs at the site based on a payment of \$15.20 per gallon of hazardous substances that the party contributed to the Site. The settlement payment amount includes a premium of 135% against estimated future response costs to account for potential cost overruns, the potential for failure of the remedies selected to clean up the site, other risks, and the failure of settlers to participate in an earlier *de minimis* settlement.

A copy of the proposed administrative order on consent and additional background information relating to the settlement, including a list of parties to the settlement, are available for review and may be obtained in person or by mail from Ignacio L. Arrazola, Mail Code CS-29A, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

The U.S. Environmental Protection Agency will receive written comments relating to this settlement for thirty days from the date of publication of this notice.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.*

Sally Avervill,

Acting Director, Office of Superfund, Region 5.

[FR Doc. 96-2353 Filed 2-5-96; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collections Submitted to OMB for Review and Approval

January 31, 1996.

**SUMMARY:** The Federal Communications, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the

respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before [insert date 30 days after date of publication in the Federal Register]. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESS:** Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov and Timothy Fain, OMB Desk Officer, 10236 NEOB 725 17th Street, NW., Washington, DC 20503 or fain\_t@a1.eop.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Dorothy Conway at 202-418-0217 or via internet at dconway@fcc.gov.

**SUPPLEMENTARY INFORMATION:** OMB Approval No.: 3060-0446.

Title: Section 1.402 Pioneer's Preference.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 14.

Estimated Time Per Response: 500 hours for new applicants, 10 hours per respondent to amend existing applications.

Total Annual Burden: 1,120 hours.

Needs and Uses: The information will be used to evaluate existing pioneer's preference request in proceedings in which tentative decisions have not been made, as well as any new pioneer's preference requests that may be received. The collection requires that an applicant submit a statement that a new allocation of spectrum is necessary for its innovation to be implemented. Further, if the applicant relied on experimental results to demonstrate the technical feasibility of its innovation, it must submit a summary of those results. Additionally, for pioneer's preference requests filed after September 1, 1994, an applicant must submit a showing demonstrating that the Commission's public rulemaking process inhibits it from capturing the economic rewards of its innovation unless it is granted a pioneer's license.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-2435 Filed 2-5-96; 8:45 am]

BILLING CODE 6712-01-F



[Gen. Docket No. 90-498; DA 95-2423]

**Private Wireless Division, Louisiana  
Public Safety Plan**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Chief Private Wireless Division and the Deputy Chief, Office of Engineering and Technology released this Order amending the Public Safety Radio Plan for Louisiana (Region 18). As a result of accepting the amendment for the Plan for Region 18, the interests of the eligible entities within the region will be furthered.

**EFFECTIVE DATE:** December 13, 1995.

**FOR FURTHER INFORMATION CONTACT:** Deborah A. Behlin, Wireless Telecommunications Bureau, Private Wireless Division (202) 418-0680.

**SUPPLEMENTARY INFORMATION:**

Order

*Adopted:* December 1, 1995. *Released:* December 13, 1995.

By the Deputy Chief, Office of Engineering and Technology and the Chief, Private Wireless Division, Wireless Telecommunications Bureau:

1. By letter dated May 17, 1995, Region 18 (Louisiana) proposed to amend the Region 18 Public Safety Radio Plan that was accepted under delegated authority, by the Commission on November 8, 1989, 4 FCC Rcd 8352 (1989). The proposed amendment would revise the current channel allotments.

2. On September 8, 1995, the Commission placed the proposed amendment on Public Notice. No comments were received concerning the proposed amendment to the Region 18 Plan.

3. We have reviewed the proposed amendment to the Region 18 Plan and, having received no comments to the contrary, conclude it furthers the interest on the eligible Public Safety entities within the Region.

4. Accordingly, *It is ordered*, that the Public Safety Radio Plan for Region 18 is amended, as set forth in the Region's letter of May 17, 1995. This amendment is effective immediately.

5. For further information, contact Deborah A. Behlin at (202) 418-0680.

Federal Communications Commission.

Robert H. McNamara,

Chief, Private Wireless Division.

[FR Doc. 96-2436 Filed 2-5-96; 8:45 am]

BILLING CODE 6712-01-P

**FEDERAL LABOR RELATIONS  
AUTHORITY**

**Information Collection Submitted to  
the Office of Management and Budget  
for Review Under the Paperwork  
Reduction Act**

**AGENCY:** Federal Labor Relations Authority.

**ACTION:** Notice.

The Federal Labor Relations Authority has submitted the following information collection requirement to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995, Public Law No. 104-13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Joseph Lackey, Desk Officer for the Federal Labor Relations Authority, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; and to Solly Thomas, Executive Director, Federal Labor Relations Authority, 607 14th St., NW., Washington, DC 20424. Copies of the submission may be obtained by calling Nancy Anderson Speight, Director of Program Development, Office of the General Counsel, (202) 482-6680 ext. 205.

*Title:* Petition Form.

*Summary:* Various persons can petition the Authority to take action concerning the determination of appropriate bargaining units in the federal government, and the certification of exclusive bargaining representatives in those units, under the Federal Service Labor-Management Relations Statute, 5 U.S.C. 7101-7135. The Authority needs information from the petitioning party to begin processing the representation case. The Petition Form includes questions to the filer concerning, among other things, the issues raised by the petition and the results the petitioner seeks as a consequence of the filing the petition; a description of the bargaining unit affected by the petition; the showing of employee interest in support of the petition; and the names, addresses, and telephone numbers of the representatives of the union(s), agency(ies), and activity(ies) affected by the petition.

*Need and Use of the Information:* The information provided in the Petition Form will enable the Authority to process and decide these representation cases. The information collected from the petition will be used by Authority

staff to contact affected parties in representation case proceedings, and to enable staff to take the necessary steps to begin processing the petition.

*Description of Respondents:* Federal employees representing federal agencies in their capacity as employer, federal employees and employees of labor organizations that are representing those labor organizations, and federal employees in their individual capacity.

*Number of Respondents:* Approximately 300 per year.

*Proposed Frequency of Response:* On occasion, as a petitioner identifies a representation matter for the Authority to resolve.

*Total Burden Hours:* Approximately one hour per petition (500 total hours per year).

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chap. 35, as amended.

Dated: February 1, 1996.

Solly Thomas,

Executive Director, Federal Labor Relations Authority.

[FR Doc. 96-2487 Filed 2-5-96; 8:45 am]

BILLING CODE 6727-01-P

**FEDERAL MARITIME COMMISSION**

**Notice of Agreement(s) Filed**

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in section 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 224-200555-004.

*Title:* Jacksonville Port Authority/Trailer Bridge, Inc. Terminal Agreement.

*Parties:* Jacksonville Port Authority Trailer Bridge, Inc.

*Synopsis:* The proposed amendment addresses annual rate increases.

Dated: January 31, 1996.

By Order of the Federal Maritime Commission.

Joseph C. Polking,  
Secretary.

[FR Doc. 96-2393 Filed 2-5-96; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### **Wesbanco, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies**

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than March 1, 1996.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Wesbanco, Inc.*, Wheeling, West Virginia; to become a bank holding company by acquiring 12.50 percent of the voting shares of The Heritage Bank of Harrison County, Inc., Clarksburg, West Virginia, a *de novo* bank.

Board of Governors of the Federal Reserve System, January 31, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-2392 Filed 2-5-96; 8:45 am]

BILLING CODE 6210-01-F

### **First Commonwealth Financial Corporation; Acquisition of Company Engaged in Permissible Nonbanking Activities**

The organization listed in this notice has given notice under § 225.23(a)(2) or (e) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (e)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding this application must be received not later than February 20, 1996.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First Commonwealth Financial Corporation*, Indiana, Pennsylvania; to acquire BSI Financial Services, Inc., Titusville, Pennsylvania, and thereby engage in making loans and loan servicing activities, pursuant to § 225.25(b)(1) of the Board's Regulation Y; in leasing activities, pursuant to § 225.25(b)(5) of the Board's Regulation Y; in the operation as a collection agency, pursuant to § 225.25(b)(23) of the Board's Regulation Y; and in collection of troubled portfolios for the Federal Deposit Insurance Corporation as

permitted by Board Order for *Dai-Ichi Kangyo Bank, Ltd.*, and *Chemical Banking Corp.*, 78 Fed. Res. Bull. 131, 1993.

Board of Governors of the Federal Reserve System, January 31, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-2389 Filed 2-5-96; 8:45 am]

BILLING CODE 6210-01-F

### **Jerry G. Standridge, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies**

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 20, 1996.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Helen W. Standridge Revocable Trust, Jerry G. and Helen W. Standridge, Trustees*, Chickasha, Oklahoma, to retain a total of 0.02 percent, and Jerry G. Standridge Revocable Trust, Jerry G. and Helen W. Standridge, Trustees, to acquire an additional 0.26 percent, for a total of 10.22 percent, of the voting shares of Chickasha Bancshares, Inc., Chickasha, Oklahoma, and thereby indirectly acquire Chickasha Bank & Trust Company, Chickasha, Oklahoma.

B. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *William David Lacey*, Waco, Texas; to retain a total of 30 percent of the voting shares of The Community Company, Waco, Texas, and thereby indirectly retain Community Bank, Waco, Texas.

Board of Governors of the Federal Reserve System, January 31, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96-2390 Filed 2-5-96; 8:45 am]

BILLING CODE 6210-01-F

**The Tampa Banking Company, et al.;  
Notice of Applications to Engage de  
novo in Permissible Nonbanking  
Activities**

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 20, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *The Tampa Banking Company*, Tampa, Florida; to engage *de novo* through its subsidiary, Florida

Investments Advisers, Inc., Tampa, Florida (in organization), in investment advisory services, pursuant to § 225.25(b)(4) of the Board's Regulation Y.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Pembina County Bankshares, Ltd.*, Cavalier, North Dakota; to engage *de novo* in the extension of credit to borrowers of its subsidiary bank, pursuant to § 225.25(b)(1) of the Board's Regulation Y. The geographic scope for this activity is North Dakota.

Board of Governors of the Federal Reserve System, January 31, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96-2391 Filed 2-5-96; 8:45 am]

BILLING CODE 6210-01-F

**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

**Centers for Disease Control and  
Prevention**

[INFO-96-09]

**Proposed Data Collections Submitted  
for Public Comment and  
Recommendations**

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639-3453.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Wilma Johnson, CDC Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

**Proposed Projects**

1. Intensive-Care Antimicrobial Resistance Epidemiology (Project ICARE), Phase II—NEW—Antibiotic resistance is estimated to cost as much as 4 billion dollars a year to the health care system in the United States and the number of resistant microorganisms is increasing. For example, data reported to the National Nosocomial Infections Surveillance (NNIS) system demonstrated a 20-fold increase, between January 1989 and March 1993, in the percentage of enterococci associated with nosocomial infections that are resistant to vancomycin (VRE). Additional analysis of NNIS data has demonstrated that other antibiotic resistant nosocomial pathogens have also increased in recent years. One of the major factors limiting the understanding of antibiotic resistance among nosocomial pathogens is the lack of information on the relationship between the amount and kind of antibiotic used in hospitals and the emergence of resistance.

This proposed one year study, called Project ICARE, will collect data on the amount of antibiotics used in 50 NNIS hospitals and the antibiotic susceptibility patterns found in certain bacterial pathogens isolated in these hospitals' microbiology laboratories between June 1996 and June 1997. Further, new mechanisms of resistance will be studied on specific antibiotic-resistant isolates that will be sent to CDC from these laboratories. A successful pilot study involving eight NNIS hospitals was conducted between August 1994 and January 1995 to study the feasibility of collecting such information.

After initially setting up the project with information on the different intensive care units (ICUs) and wards, the hospital will provide three different types of data each month: (1) summary of the amount of parenteral and oral antibiotics, by generic group, reported by the pharmacy, (2) summary of the number of isolates, by species, susceptible, intermediate or resistant to various antibiotics reported by the microbiology laboratory, and (3) actual isolates of resistant pathogens to be sent to by the microbiology laboratory to CDC. For antibiotics used and number of isolates in each of the susceptibility categories, separate data are to be reported for each ICU, all other inpatients, and outpatients (antibiotic use among outpatients is not collected). Data collection forms for summary data from the microbiology laboratory and pharmacy have been created to assist in recording the data; however, the data

will be entered into a computer software created by CDC specifically for Project ICARE. The software will be provided to

the hospitals at no cost. Data will be transmitted to CDC by floppy disk or by electronic transfer when it become

available in the NNIS system in 1996. The total cost to respondents is estimated at \$108,538.

Respondents	No. of respondents	No. of responses/respondent	Avg. burden/response (in hrs.)	Total burden (in hrs.)
Primary Contact .....	50	12	1	600
Pharmacist .....	50	60	1.8	5400
Microbiologist .....	50	60	0.35	1050
Total .....	.....	.....	.....	7050

2. Case-control Study of the Effect of Total Dietary Folate Intake on the Clinical Manifestation of Vitamin B 12 Deficiency—New—Fortification of grain products with folic acid has been recommended to increase the intake of folate by women of reproductive age in order to decrease the risk of neural tube birth defects. Fortification high enough to increase the passive consumption of folic acid to the recommended level of 400 µg/day for all women would increase the consumption by some segments of the population to well over the presumed safe upper limit of 1000 µg/day. There is concern, based on case reports, that excess folate consumption may delay the diagnosis of vitamin B 12 deficiency, especially in the elderly. Delayed diagnosis of B 12 deficiency may lead to the development of

neuropsychiatric signs and symptoms, some of which may be irreversible. There is no population-based estimate of the prevalence of B 12 deficiency among the elderly, nor is there any population-based data on the frequency with which diagnosis of B 12 deficiency is complicated by folate intake. The Food and Drug Administration has postponed folate fortification pending more data on the potential risks of high levels of folate consumption for the general population.

This is a pilot study to determine the size, feasibility, cost and duration of a population-based survey; the population-based survey would estimate the prevalence of vitamin B 12 deficiency in the general population and estimate the impact of folate intake on its diagnosis. This information is

needed to assess the risk that may be posed by high levels of fortification of the food supply with folate.

The proposed pilot study will seek to identify new cases of B 12 deficiency from the computerized laboratory records of a health maintenance organization, determine the nature of the clinical presentation of the cases by medical record review, and evaluate the association of folic acid intake with type of clinical presentation by dietary assessment. 70 individuals with B 12 deficiency and 70 normal controls will participate in a telephone interview about their diet and use of nutritional supplements in the year preceding the diagnosis. The total cost to respondents is \$10/respondent × \$70 respondents = \$700.

Respondents	No. Of respondents	Responses/respondent	Avg. burden/respondent (in hrs.)	Total burden (in hrs.)
Cases w/B 12 deficiency .....	70	1	1	70
Normal controls .....	70	1	1	70
Total .....	.....	.....	.....	140

3. Examination of Barriers to Participant Compliance in a Flexible Sigmoidoscopy Screening Program, Imperial Cancer Research Fund, United Kingdom—New—As part of an existing screening program, there is significant project savings in this initiative. Colorectal cancer accounts for approximately 9% of all newly diagnosed cancer worldwide. Of all cancer mortality in industrialized nations, colorectal cancer is second only to lung cancer, with the U.S. and Great Britain among the highest in this category. Despite increasing evidence that the early diagnosis of colorectal cancer through screening examination can significantly prevent and/or reduce

the burden of mortality, morbidity, and associated costs, rates of participation in screening remain extremely poor. This study, involving investigators at the Imperial Cancer Research Fund (ICRF) of Great Britain, seeks to identify barriers associated with low compliance in a mass, population-based colorectal cancer screening trial utilizing flexible sigmoidoscopy.

The ICRF has a long history of conducting important mass screening trials relative to cancer early detection and their investigators are considered international experts in colorectal cancer screening. Because the ICRF already has an ongoing population-based colorectal screening program,

significant project start-up and infrastructure cost savings have been incorporated into this proposal. Subjects will include randomly selected adults age 55–64 with no known history of colorectal cancer in Glasgow.

The study involves assessment of demographic, environmental, and psychosocial factors which may limit screening participation via surveys and interviews. Informed consent will be obtained and a complete explanation of all medical procedures will be given.

Phase I will involve initial identification, survey query, and solicitation for screening. Phase II will involve telephone and personal

interviews, and Phase III will involve final data analysis.

Participation in this study is voluntary and subsequent screening,

follow-up and treatment, if indicated, will be provided at no cost to participants. Informed consent will be obtained where appropriate and

oversight will be provided by federal and local institutional review. The total cost to respondents is estimated at \$11,330.

Respondents	No. of re-spond-ents	No. of re-sponses/respond-ent	Avg. bur-den/re-sponse (in hrs.)	Total burden (in hrs.)
Population-based sample of adults aged 55–64 .....	6,000	1	.016	1000
Phase III .....	400	1	.0330	133
Total .....	.....	.....	.....	1133

4. Examination of Barriers to Participant Compliance in a Flexible Sigmoidoscopy Screening Program. Kaiser Foundation, Oakland—New—With colorectal cancer comprising the second highest mortality rate among all U.S. cancers and ranked as the fourth most common form of cancer, the active promotion of population-based screening and early detection is becoming increasingly important. Recognizing the importance of screening, American Cancer Society guidelines and the new US Preventive Services Task Force guidelines recommend colorectal cancer screening for individuals over the age of 50. Still, although early detection of colorectal neoplasms has been effectively demonstrated to significantly reduce morbidity and mortality and associated

economic costs, compliance is very low. This three-year study involving investigators at one of the nation's largest Health Maintenance Organizations' research foundation (Kaiser Foundation of Northern California) seeks to identify barriers associated with low compliance in a colorectal cancer screening program utilizing flexible sigmoidoscopy.

Phase I will target and recruit participants from an existing pool of Health Maintenance Organization enrollees who are at a relatively high age-related risk (ages 50–64) for developing colorectal cancers via short survey and invitation to screening. In Phase II, investigators will conduct telephone survey to identify the relative impact of economic, psychological, and related factors on participation and non-

participation in the mass screening programs. In phase III, investigators will analyze and widely disseminate results of the study via publication in the professional literature. Results will also be made available to participants upon request. Interventions designed to mitigate the barriers identified through this study will be incorporated into future screening efforts and general health education/health promotion efforts.

Participation in this study is voluntary and subsequent follow-up and treatment, if indicated, will be provided at no cost to participants. Informed consent will be obtained where appropriate and oversight will be provided by federal and institutional review. The total cost to respondents is estimated at \$13,330.

Respondents	No. of re-spond-ents	No. of re-sponses/respond-ent	Avg. bur-den/re-sponse (in hrs.)	Total burden (in hrs.)
HMO Enrollees .....	4,000	1	0.33	1320
Total .....	.....	.....	.....	1320

Wilma G. Johnson,  
Acting Associate Director for Policy Planning  
and Evaluation, Centers for Disease Control  
and Prevention (CDC).

[FR Doc. 96–2426 Filed 2–5–96; 8:45 am]

BILLING CODE 4163–18–P

#### [30DAY–04]

#### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these

requests, call the CDC Reports Clearance Office on (404) 639–3453.

The following request have been submitted for review since the last publication date on January 23, 1996.

#### Proposed Project

1. Nationally Sexually Transmitted Disease Morbidity Surveillance System—(0920–0011)—Reinstatement—The purpose of these reports is to collect STD morbidity surveillance data from state health departments nationwide. The data are used by health care planners at the national, state, and local levels to develop and evaluate STD prevention and control programs. In addition there are many other users of

the data including scientist, researchers, educators, students and the media.

Respond-ents	No. of re-spond-ents	No. of responses/Respond-ents	Avg. burden/re-sponse (in hrs.)
State and large city health departments ....	60	4	1.95

Respondents	No. of respondents	No. of responses/ Respondents	Avg. burden/ re-sponse (in hrs.)
State and large city health departments ....	60	12	0.583
State and large city health departments ....	60	2	3

The total annual burden is 1248. Send comments to Allison Eydt; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503.

Wilma G. Johnson,

*Acting Associate Director for Policy Planning and Evaluation, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 96-2427 Filed 2-5-96; 8:45 am]

BILLING CODE 4163-18-P

### [30DAY-03]

#### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Office on (404) 639-3453.

The following requests have been submitted for review since the last publication date on January 23, 1996.

#### Proposed Project

1. An Assessment of The National Laboratory Training Network (NLTN)—(New)—The National Laboratory Training Network (NLTN) was established in 1989 to provide education and training to different levels of laboratory personnel in public health, private, independent laboratories and blood banks. Training in testing skills required to diagnose and monitor HIV infected individuals and AIDS-related diseases was the driving force behind its development. However, NLTN staff has responded to other emerging training needs such as those required to test for *Mycobacterium tuberculosis*, Hantaviruses, and other diseases.

The NLTN works primarily with the State Public Health Laboratories forming partnerships that facilitate laboratory training in most laboratory settings. This project is an evaluation of the

effectiveness of the NLTN in meeting its goals and in satisfying the needs of its customers. Recipients of training and their supervisors will be the major sources of information. Some assessment of participants that have not attended NLTN courses will be necessary to use as a control group.

Surveys will be directed to all types of laboratories that perform diagnostic testing. Samples will be selected from local health department laboratories, state health department laboratories, microbiology course participants and physician office laboratories. The study was designed in FY 1994 and FY 1995. Data collection should begin late in FY 1995 and be completed in FY 1996.

Respondents	No. of respondents	No. of responses/ respondents	Avg. burden/ re-sponse
Laboratories .....	10,000	1	.5

The total annual burden is 5000. Send comments to Allison Eydt; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503.

Wilma G. Johnson,

*Acting Associate Director for Policy Planning and Evaluation, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 96-2428 Filed 2-5-96; 8:45 am]

BILLING CODE 4163-18-P

#### Food and Drug Administration

[Docket No. 95N-0410]

#### Ivermectin Injection for American Buffalo; Availability of Data

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of target animal safety and effectiveness data and human food safety data to be used in support of a new animal drug application (NADA) or supplemental NADA for use of 1 percent ivermectin injection in American buffalo. The data, contained in Public Master File (PMF) 5059, were compiled under National Research Support Project No. 7 (NRSP-7), a national agricultural program for obtaining clearances for use of new drugs in minor animal species or in any animal species for the control of a disease that occurs infrequently or in limited geographical areas.

**ADDRESSES:** Submit NADA's or supplemental NADA's to the Document

Control Unit (HFV-199), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-3125.

**FOR FURTHER INFORMATION CONTACT:** Jean M. Cooper, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1653.

**SUPPLEMENTARY INFORMATION:** Ivermectin injection for use in American buffalo is a new animal drug under section 201(w) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(w)). As a new animal drug, ivermectin is subject to section 512 of the act (21 U.S.C. 360b) which requires that its uses in American buffalo be the subject of an approved NADA or supplemental NADA.

American buffalo are a minor species under § 514.1(d) (21 CFR 514.1(d)). The NRSP-7 Project, North Central Region, Michigan State University, East Lansing, MI 48824, has provided data and information that demonstrate human food safety and safety and effectiveness to American buffalo subcutaneously administered 1 percent ivermectin injection (200 micrograms of ivermectin per kilogram of body weight) for the treatment and control of hypodermosis caused by *Hypoderma bovis* (grubs).

The data and information are contained in PMF 5059. Sponsors of NADA's or supplemental NADA's may, without further authorization, refer to the PMF to support approval of an application filed under § 514.1(d). An NADA or supplemental NADA must include, in addition to a reference to the PMF, animal drug labeling and other data needed for approval, such as manufacturing methods, facilities and controls, data supporting extrapolation from a major species in which the drug is currently approved, or authorized reference to such data, and information addressing the potential environmental impacts (including occupational) of the manufacturing process and use of the drug product. Persons desiring more information concerning the PMF or requirements for approval of a NADA may contact Jean M. Cooper (address above).

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and 21 CFR 514.11(e)(2)(ii), a summary of target animal safety and effectiveness data and human food safety data submitted to support approval of an application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 25, 1996.

Stephen F. Sundlof,

*Director, Center for Veterinary Medicine.*

[FR Doc. 96-2371 Filed 2-5-96; 8:45 am]

BILLING CODE 4160-01-F

## Health Care Financing Administration

### Bureau of Program Operations, Statement of Organization, Functions, and Delegations of Authority

Part F of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA), (60 FR 42888, 42889, 42898, and 42899, Aug. 17, 1995) is amended to reflect a reorganization in the Bureau of Program Operations (BPO).

BPO is moving the Medicare Transaction System (MTS) functions from the MTS Initiative Task Force to the Office of Analysis and Systems (OAS). Expanding OAS's functions to include MTS is necessary because HCFA is transitioning to a new phase in the development of MTS. This phase requires a different management strategy to align the initial planning decisions with the organizational component that will bear responsibility for implementing MTS and ultimately strengthen the overall management of MTS.

The specific amendments to part F are described below:

Section F.10.D., Health Care Financing Administration, Associate Administrator for Operations and Resource Management (FL) (Organization), paragraph 4.b. is amended by adding subparagraphs (5) through (7). Paragraph 4.g. and all the associated subparagraphs are deleted in their entirety.

#### b. Office of Analysis and Systems (FLG1)

(5) Medicare Transaction System Quality Assurance (FLG15)

(6) Medicare Transaction System Development (FLG16)

(7) Medicare Transaction System Program Planning & Needs Analysis (FLG17)

Section F.20.D, Health Care Financing Administration Associate Administrator for Operations and Resource Management (FL) (Functions), paragraph 4.b. is deleted and replaced with the following new functional statement. In addition, paragraph 4.b. is further amended by adding subparagraphs (5) through (7). Paragraph 4.g. and subparagraphs (1) through (3) are deleted in their entirety.

#### b. Office of Analysis and Systems (FLG1)

- Provides requirements and specifications for the design, development, and maintenance of reporting and information management systems that generate data reflecting on Medicare program operations.

- Serves as the Agency focal point for the management and coordination of the Medicare Transaction System Initiative (MTSI). Represents HCFA to the Department, other Federal Agencies, and outside organizations.

- Provides direction and technical guidance for the design, development, implementation, verification and validation, and maintenance of the Medicare Transaction System (MTS) to integrate Medicare Part A and Part B claims processing systems.

- Identifies reporting and information needs for data relating to Medicare contractor operations and initiates appropriate action for establishing or modifying the reporting and information systems to satisfy these needs.

- Analyzes a broad range of information, including computer stored data, on operations performed in support of the Medicare program; prepares interpretive reports and recommendations on findings to internal bureau components for purposes of conducting program and performance evaluations.

- Provides overall support to other staff in analyzing and interpreting program and operational data to better understand the program.

- Provides requirements and specifications for the design, development, and management at the national level, activities required to enhance systems for improvement of the Medicare eligibility systems, Part A and Part B claims processing systems, and the Medicare program database.

- Provides direction and guidance to HCFA staff (central office and regional) on improving contractor systems.

- Prepares systems plans and develops policies for the design, implementation, and evaluation of shared systems and standardized modules for use by Medicare carriers, intermediaries, and hosts.

- Directs the design, development testing, and implementation of innovative system enhancements to the Common Working File (CWF) shared claims processing systems resulting in improvements to the national Medicare claims payment process.

- Provides requirements and specifications for the development, implementation, execution, and monitoring of a procedure to provide

ongoing testing of national claims processing and information system to detect flaws in the operation of software, hardware, and related operations.

- Provides requirements and specifications for the development and implementation of systems that provide for the creation and maintenance of databases and test files that are required to conduct comprehensive system acceptance testing of a national claims processing and information system.

#### (5) Medicare Transaction System Quality Assurance (FLG15)

- Develops, implements, directs, and operates activities to assure the quality of Medicare Transaction System (MTS) development throughout the system development life cycle.

- Provides technical management, oversight, coordination and day-to-day monitoring of contract(s) for the independent verification and validation of MTS analysis, design, development, validation, implementation, and maintenance activities.

- Reviews and evaluates the effectiveness of the processes and procedures used to analyze, design, develop, implement, and maintain the MTS.

- Provides the documentation and analysis necessary to initiate and support corrective action resulting from findings of the MTS quality assurance activities.

- Reviews and evaluates quality assurance programs maintained by the MTS design contractor, the independent verification and validation contractor and HCFA to ensure integration of quality assurance activities throughout the MTS development process.

- Recommends alternatives to proposed methodologies for the analysis, design, development, validation, implementation and maintenance of the MTS.

#### (6) Medicare Transaction System Development (FLG16)

- Develops, implements, and directs activities to assure the development of the Medicare Transaction System (MTS) throughout the system development life cycle.

- Provides technical management, oversight and coordination and day-to-day monitoring of the contract(s) for performing the Medicare Transaction System (MTS) analysis, design, development, validation, implementation, and maintenance activities.

- Provides the inter- and intra-component coordination required to insure appropriate and timely review

and dissemination of the contract work products and other pertinent information.

- Reviews and evaluates the effectiveness of the processes and procedures used to coordinate and facilitate the review of the contract work products.

- Develops, conducts, and coordinates modifications to existing operational procedures, contracts, reporting mechanisms and related materials as required.

- Provides the documentation and analysis necessary to initiate and support corrective action resulting from the findings of the MTS development activities.

#### (7) Medicare Transaction System Program Planning and Needs Analysis (FLG17)

- Recommends alternatives to existing requirements, operational priorities, processes, procedures, and methods for improvement which will enhance the quality and cost-effectiveness of Medicare operational and administrative procedures and meet the needs of HCFA's internal and external customers.

- Develops, implements, and directs project planning, control and administration procedures, processes, and methods used to determine Medicare Transaction System Initiative (MTSI) program status, assess performance, report progress, and implement changes.

- Maintains the MTSI program schedule and MTSI program management plan and various program management databases.

- Provides advisory and consultative services on project planning to HCFA central and regional office staff and key officials responsible for planning and implementing projects in support of the development and implementation of the Medicare Transaction System.

- Conducts project planning training to HCFA staff responsible for MTSI projects.

Dated: December 21, 1995.

Bruce C. Vladeck,

*Administrator, Health Care Financing Administration.*

[FR Doc. 96-2373 Filed 2-5-96; 8:45 am]

BILLING CODE 4120-01-P

## Office of the Secretary

### Advisory Committees; Notice

**ACTION:** Notice.

**SUMMARY:** This notice announces a new charter for the National Committee on

Vital and Health Statistics (NCVHS) and solicits nominations for membership on the Committee. The NCVHS is the statutory public advisory body to the Department of Health and Human Services in the area of health data and statistics. The Charter has been revised to address emerging issues in health data, including a focus on health data standards and privacy issues.

A number of vacancies will occur on the Committee beginning on March 1, 1996. New members of the Committee will be appointed to four year terms by the Secretary from among persons who have distinguished themselves in the following fields: Health statistics, electronic interchange of health care information, privacy and security of electronic information, population-based public health, purchasing or financing health care services, integrated computerized health information systems, health services research, consumer interests in health information, health data standards, epidemiology, and the provision of health services.

The Department will give close attention to equitable geographic distribution and to minority and female representation. Appointments will be made without discrimination on the basis of age, race, gender, sexual orientation, HIV status, cultural, religious or socioeconomic status.

**DATES:** Nominations for new members should include a letter describing the qualifications of the nominee and the nominee's current resume or vitae. The closing date for nominations is March 22, 1996. Nominations previously submitted for vacancies occurring in 1995 automatically will be considered in this solicitation and need not be resubmitted.

Nominations should be sent to the person named below: James Scanlon, Executive Secretary, HHS Data Council, U.S. Department of Health and Human Services, Room 440-D, 200 Independence Avenue SW., Washington, DC 20201, (202) 690-7100.

**FOR FURTHER INFORMATION CONTACT:** James Scanlon, (202) 690-7100.

#### SUPPLEMENTARY INFORMATION:

##### Introduction

The National Committee on Vital and Health Statistics serves as the statutory public advisory body to the Department of Health and Human Services in the area of health data and statistics. In that capacity, the Committee provides advice and assistance to the Department on a variety of key health data issues. Over its forty-five year history, the Committee has stimulated a host of improvements

in national and international health data and statistics. The Committee has been associated with groundbreaking contributions in such areas as disease classification, health surveys, health data sets and standards as well as privacy protection for health information.

Over its existence, the Committee has reshaped and redirected its work in response to changing needs and priorities. The 1990's have witnessed striking changes in health and health care and in health data and information systems. Both the national environment for health information systems and the nature of the information systems issues which the Department is confronting have changed dramatically. For example, ten years ago, efforts to improve data compatibility focused on encouraging the use of standard paper forms. Today, public/private compatibility requires coordination of electronic data transmission and coding standards, and compatibility with the evolving national information infrastructure. The new electronic information environment is raising new privacy issues and magnifying the importance of insuring that the Department's current policies are appropriate for new technologies.

The revisions to the NCVHS charter and solicitation for new members announced in this Notice are designed to refocus the NCVHS to reflect these changes. Of particular concern is the lack of shared standards for health data. Consensus on such standards could dramatically reduce paperwork burdens and increase the analytic potential of health data. Today, there is little ability to share, make multiple uses of, or link data. Many electronic data systems cannot communicate with one another, either within the private sector or between public and private data holders. There is a developing consensus that everyone—consumers, industry, policy makers—would be better served by more uniform, voluntary shared standards for collection and transmission of health information.

The NCVHS is in a unique position to serve as a national forum for the collaboration of interested parties, with the long-term goal of improving the compatibility of private sector, state, and federal health information systems. In particular, the new charter will enable the NCVHS to foster collaboration on voluntary means to facilitate and accelerate the development of consensus across the public and private sectors around key data standards and privacy issues.



The Committee will inform HHS data policy decision-making as well as private sector and State data policy decision-making. Participants will bring their expertise, perspectives, and concerns to the Committee, and will bring back to their respective industries and organizations the collective recommendations and rationale of the Committee.

#### New Charter

#### *Charter National Committee on Vital and Health Statistics*

#### Purpose

Collection, analysis and dissemination of health and health-related information is a crucial aspect of the responsibilities of the Department of Health and Human Services. The Department is charged with monitoring and improving the state of the nation's health and with epidemiological tracking and intervention, and must collect, analyze, and disseminate information on vital events, determinants of health, the extent and nature of illness and disability of the population, and the population's well-being. The Department funds and/or operates health care delivery programs, and must collect and analyze information for billing and payment, quality assessment, utilization tracking, and program evaluation. The Department is one of the most important sources of information about the health resources and the supply of health services in the United States (in underserved areas and more generally) and about health care costs and financing nation-wide. The Department is responsible for biomedical and behavioral research, and is also responsible for turning the results of that research into a public resource, by making the information available to clinicians, consumers, industry, and the research community. The Department also engages in cooperative efforts with other countries and the international community to foster health data standards and comparability and cross-national research.

Pursuant to these and other activities, the Department collects data from and disseminates data to our private sector and state partners, the research community, health care providers and insurers, and consumers. The ability to share, make multiple uses of, or link data is limited and must be continuously improved. The lack of shared standards for health data increases paperwork burdens and reduces the analytic potential of health data.

This Committee shall serve as a national forum on health data and information systems. It is intended to be a forum for collaboration of interested parties to accelerate the evolution of public and private health information systems toward more uniform, shared data standards, operating within a framework protecting privacy and security. A long-term purpose of the Committee is to promote increased interoperability of diverse health information systems. The Committee shall encourage the evolution of a shared, public/private national health information infrastructure that will promote the availability of valid, credible, timely and comparable health data. With sensitivity to policy considerations and priorities, the Committee will provide scientific-technical advice and guidance regarding the design and operation of health statistics and information systems and services and on coordination of health data requirements.

The Committee will inform decision making about data policy by HHS, states, local governments and the private sector. Committee members are expected to bring their expertise, perspectives and concerns to the forum, and to bring back to their respective fields the collective concerns, recommendations, and rationale of the Committee.

#### Authority

Section 306(k) of the Public Health Service Act, as amended, 42 U.S.C. 242k(k). The Committee is governed by provisions of Public Law 92-463, as amended, (5 U.S.C. App. 2), which sets forth standards for the formation and use of advisory committees.

#### Function

It shall be the function of the Committee to assist and advise the Secretary through the Department of Health and Human Services Data Council, the Department's internal advisory body for data policy, in the following matters:

(A) Monitor the nation's health data needs and current approaches to meeting those needs; identify emerging health data issues, including methodologies and technologies of information systems, databases, and networking that could improve the ability to meet those needs.

(B) Identify strategies and opportunities to achieve long-term consensus on common health data standards that will promote (i) the availability of valid, credible, and timely health information, and (ii) multiple uses of data collected once;

recommend actions the federal government can take to promote such a consensus.

(C) Make recommendations regarding health terminology, definitions, classifications, and guidelines.

(D) Study and identify privacy, security, and access measures to protect individually identifiable health information in an environment of electronic networking and multiple uses of data.

(E) Identify strategies and opportunities for evolution from single-purpose, narrowly focussed, categorical health data collection strategies to more multi-purpose, integrated, shared data collection strategies.

(F) Identify statistical, information system and network design issues bearing on health and health services data which are of national or international interest; identify strategies and opportunities to facilitate interoperability and networking.

(G) Advise the Department on health data collection needs and strategies; review and monitor the Department's data and information systems to identify needs, opportunities, and problems; consider the likely effects of emerging health information technologies on the Department's data and systems, and impact of the Department's information policies and systems on the development of emerging technologies.

(H) Stimulate the study of health data and information systems issues by other organizations and agencies, whenever possible.

(I) Review and comment on findings and proposals developed by other organizations and agencies with respect to health data and information systems and make recommendations for their adoption or implementation.

(J) Assist and advise the Secretary in the development of such reports as the Secretary or Congress may require.

In these matters, the Committee shall consult with all components of the Department, other federal entities, and non-federal organizations, as appropriate.

#### Structure

The Committee shall consist of 16 members, including the Chair. The members of the Committee shall be appointed by the Secretary from among persons who have distinguished themselves in the fields of health statistics, electronic interchange of health care information, privacy and security of electronic information, population-based public health, purchasing or financing health care services, integrated computerized health information systems, health services

research, consumer interests in health information, health data standards, epidemiology, and the provision of health services. The Secretary shall appoint one of the members to serve a two year, renewable term as the Chair.

Members shall be invited to serve for overlapping four-year terms. Terms of more than two years are contingent upon the renewal of the Committee by appropriate action prior to its termination. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Members may serve after the expiration of their terms until successors have been appointed.

Standing and ad hoc subcommittees, composed solely of members of the parent Committee, may be established to address specific issues and to provide the Committee with background study and proposals for consideration and action. The Chair shall appoint members from the parent Committee to the subcommittees and designate a Chair for each subcommittee. The subcommittees shall make their recommendations to the parent Committee. Timely notification of the subcommittees, including charges and membership, shall be made in writing to the Department Committee Management Officer by the Executive Secretary of the Committee. Logistical management and support services shall be provided by the Program Support Center, Department of Health and Human Services.

Professional, scientific, and technical staff support shall be provided by all agencies of the Department. The Data Council may establish inter-agency and inter-Departmental, issue-specific working groups to provide staff support to the Committee.

#### Meetings

Meetings shall be held not less than annually at the call of the Chair, with the advance approval of a Government official, who shall also approve the agenda. A Government official shall be present at all meetings.

Meetings of the subcommittees shall be held at the call of the Chair, with the advance approval of a Government official, who shall also approve the agenda. A Government official shall be present at all subcommittee meetings. All subcommittees shall report their findings to the Committee.

Meetings shall be open to the public except as determined otherwise by the Secretary; notice of all meetings shall be given to the public.

Meetings shall be conducted, and records of the proceedings kept, as required by the applicable laws and departmental regulations.

#### Compensation

Members who are not full-time Federal employees shall be paid at a rate not to exceed the daily equivalent of the rate in effect for an Executive Level IV of the General Schedule for each day they are engaged in the performance of their duties as members of the Committee. All members, while so serving away from their homes of regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by Section 5703, Title 5, U.S. Code, for employees serving intermittently.

#### Annual Cost Estimate

Estimated annual cost for operating the Committee, including compensation and travel expenses for members but excluding staff support, is \$350,732. Estimated annual person-years of staff support required is 3.1, at an estimated annual cost of \$199,600.

#### Reports

In the event a portion of a meeting is closed to the public, a report shall be prepared which shall contain, as a minimum, a list of members and their business addresses, the Committee's functions, dates and places of meetings, and a summary of Committee activities and recommendations made during the fiscal year. A copy of the report shall be provided to the Department Committee Management Officer.

#### Termination Date

The duration of the National Committee on Vital and Health Statistics is continuing, and a new charter shall be filed two years from the date this charter is approved.

Dated: January 31, 1996.

Jack Ebeler,

Dated: January 31, 1996.

Bruce Vladeck,

*Cochairpersons, HHS Data Council.*

[FR Doc. 96-2374 Filed 2-5-96; 8:45 am]

BILLING CODE 4151-04-M

#### Public Health Service

#### Indian Health Service

#### Tribal Management Grant Program for American Indians/Alaska Natives: Announcement of Data and Address Changes for Fiscal Year 1996

AGENCY: Indian Health Service, HHS.

**ACTION:** Notice of Date and Address Changes from the Program Announcement—Application Kit for the Tribal Management Grant Program, dated November 30, 1995.

**SUMMARY:** The Indian Health Service (IHS) announces changes in dates and the application receipt address for the Tribal Management (TM) grant program for fiscal year (FY) 1996 due to the Federal furlough, weather related shutdowns and pending office moves.

On December 8, 1995, the Grants Management Branch, Division of Acquisition and Grants Operations, IHS, mailed the November 30, 1995, Fiscal Year 1996 Application Kit for Tribal Management Grants for American Indians and Alaska Natives to all federally recognized Indian tribes and Indian tribal organizations. If you do not have the November 30, 1995, application kit, which these changes affects, and are interested in obtaining a copy, please contact Mrs. M. Kay Carpentier, Grants Management Officer, on telephone (301) 443-5204.

#### DATES ADDRESSES:

a. Pre-applications, although not required, may be received on or before February 16, 1996. The correct address for pre-applications is: Grants Management Branch, IHS, 12300 Twinbrook Parkway, Suite 100, Rockville, Maryland 20852.

b. The IHS will facsimile comments regarding pre-applications on or before February 23, 1996.

c. An original and two copies of the completed grant application, including all required documentation is due March 15, 1996. The correct address for completed applications is: Grants Management Branch, Division of Acquisition and Grants Operations, IHS. Note Address Change: Room 6-25, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Applications shall be considered as meeting the deadline if they are either: (1) Received on or before the deadline with hand carried applications received by close of business 5 P.M., or (2) postmarked on or before the deadline and received in time to be reviewed along with other timely applications. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Late applications not accepted for processing will be returned to the applicant and will not be considered for funding.

**ADDITIONAL DATES:** Application Review: April 29, 1996. Applicants notified or results: on or about July 1, 1996 (approved, recommended for approval

but not funded, or disapproved).  
Anticipated start date: August 1, 1996.

**CONTACTS FOR ASSISTANCE:** For TM program information, contact Ms. Bea Bowman, Director, Division of Community Services, Office of tribal Activities, Room 6A-05, 5600 Fisher Lane, Rockville, Maryland 20857, (301) 443-6840. For grant application and business management information, contact Mrs. M. Kay Carpentier, Grants Management Office, Division of Acquisition and Grants Operations. Note address change: Room 6-25, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, (301) 443-5204. (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:** The Office of tribal activities, Divisions of Community Services; and Division of Acquisition and Grants Operations, Grants Management Branch will provide potential applicants an opportunity to receive technical assistance in developing and submitting competitive proposals through a pre-application review. The purpose of the pre-application will establish communication between the IHS and the applicants; determine the applicants eligibility; and provide technical assistance to increase the ability of an applicant to successfully compete.

Dated: January 25, 1996

Michael H. Trujillo,

*Director, Assistant Surgeon General.*

[FR Doc. 96-2370 Filed 2-5-96; 8:45 am]

**BILLING CODE 4160-16-M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Public and Indian Housing

[Docket No. FR-3822-N-05]

### Public and Indian Housing Drug Elimination Program Announcement of Funding Awards for FY 1995

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Announcement of funding awards.

**SUMMARY:** In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the Notice of Funding Availability (NOFA) for Public and Indian Housing Drug Elimination Program. This announcement contains the names and addresses of the award winners and the amount of the awards.

**FOR FURTHER INFORMATION CONTACT:** Malcolm E. Main, Crime Prevention and Security Division, Office of Community Relations and Involvement, Public and Indian Housing, Department of Housing and Urban Development, room 4116, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-1197 (this is not a toll-free telephone number). Hearing- or speech impaired persons, may use the

Telecommunications Devices for the

Deaf (TDD) by contacting the Federal Information Relay Service at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** The Drug Elimination Program is authorized under Chapter 2, Subtitle C, title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 *et. seq.*), as amended by section 581 of the National Affordable Housing Act of 1990, (Pub. L. 101-625, approved November 28, 1990), and Section 161 of the Housing and Community Development Act of 1992 (Pub. L. 102-550, approved October 28, 1992).

The Fiscal Year 1995 competition was announced in a NOFA published in the Federal Register on January 5, 1995 (60 FR 1846). An amendment to the January 5, 1995 NOFA was published in the Federal Register on July 7, 1995 (60 FR 35415). The NOFA announced the availability of \$250,335,189 for use in eliminating drug-related crime. Applications were scored and selected for funding based on criteria contained in the Notice.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235, approved December 15, 1989), the Department is publishing the names and addresses of the housing authorities which received funding under this NOFA, and the amount of funds awarded to each. This information is provided in Appendix A to this document.

Dated: January 31, 1996.

Michael B. Janis,

*General Deputy Assistant Secretary.*

## APPENDIX A.—FISCAL YEAR 1995 PUBLIC AND INDIAN HOUSING RECIPIENTS OF FINAL FUNDING DECISIONS

[Program Name: Public and Indian Housing Drug Elimination Program (PHDEP); Statute: Public Law 100-690, November 18, 1988]

Funding recipient (Name and address)	Amount approved
Housing Authority of the City of Ansonia, 75 Central St., Ansonia, CT 06401-2042 .....	\$134,500
Housing Authority of the City of Norwalk, Box 508, Norwalk, CT 06854-0508 .....	250,000
Housing Authority of the City of New Britain, 34 Marimac Rd., New Britain, CT 06053-2699 .....	242,000
Housing Authority of the City of Hartford, 475 Flatbush, Hartford, CT 06106-3728 .....	729,750
Housing Authority of the City of New Haven, P.O. Box 1912, New Haven, CT 06509 .....	898,000
Housing Authority of the City of Waterbury, 2 Lakewood Rd., Waterbury, CT 06704-2498 .....	250,000
Housing Authority of the City of Middletown, 40 Broad St., Middletown, CT 06457-3249 .....	213,000
Housing Authority of the City of Meriden, P.O. Box 911, Meriden, CT 06451 .....	242,500
Housing Authority of the Town of East Hartford, 546 Burnside Ave., East Hartford, CT 06108 .....	176,080
Housing Authority of the Town of Greenwich, P.O. Box 141, Greenwich, CT 06836-6620 .....	155,000
Housing Authority of the City of Danbury, P.O. Box 86, Danbury, CT 06813-0086 .....	201,000
Housing Authority of the City of New London, P.O. Box 119, New London, CT 06320-0119 .....	67,500
West Haven Housing Authority, 15 Glade St., West Haven, CT 06516-2607 .....	250,000
Housing Authority of the City of Bristol, P.O. Box 918, Bristol, CT 06011-0918 .....	165,900
Housing Authority of the City of Stamford, P.O. Box 1376, Stamford, CT 06904-1376 .....	328,800
Lowell Housing Authority, P.O. Box 60, Lowell, MA 01853-0060 .....	417,250
Boston Housing Authority, 52 Chauncey St., Boston, MA 02111-2302 .....	3,135,750
Cambridge Housing Authority, 270 Green St., Cambridge, MA 02139-3360 .....	459,750
Holyoke Housing Authority, 475 Maple St., Holyoke, MA 01040-3775 .....	250,000
New Bedford Housing Authority, P.O. Box A-2081, New Bedford, MA 02741-2081 .....	412,500
Fall River Housing Authority, P.O. Box 989, Fall River, MA 02722-0989 .....	426,750
Lawrence Housing Authority, 353 Elm St., Lawrence, MA 01842 .....	316,800

## APPENDIX A.—FISCAL YEAR 1995 PUBLIC AND INDIAN HOUSING RECIPIENTS OF FINAL FUNDING DECISIONS—Continued

[Program Name: Public and Indian Housing Drug Elimination Program (PHDEP); Statute: Public Law 100-690, November 18, 1988]

Funding recipient (Name and address)	Amount approved
Worcester Housing Authority, 40 Belmont Street, Worcester, MA 01605 .....	375,000
Medford Housing Authority, 121 Riverside Ave., Medford, MA 02155 .....	240,500
Chelsea Housing Authority, 54 Locke St., Chelsea, MA 02150-2209 .....	175,000
Brockton Housing Authority, P.O. Box 240, Brockton, MA 02403 .....	250,000
Gloucester Housing Authority, P.O. Box 1599, Gloucester, MA 01931-1599 .....	50,000
Springfield Housing Authority, P.O. Box 1609, Springfield, MA 01101-1609 .....	375,000
Somerville Housing Authority, 30 Memorial Rd., Somerville, MA 02145 .....	218,500
Malden Housing Authority, P.O. Box 365, Malden, MA 02148-0365 .....	250,000
Lynn Housing Authority, 174 South Common St., Lynn, MA 01905-2513 .....	232,000
Woburn Housing Authority, 59 Campbell St., Woburn, MA 01801 .....	50,000
Portland Housing Authority, 14 Baxter Boulevard, Portland, ME 04101-4935 .....	307,200
Nashua Housing Authority, 101 Major Drive, Nashua, NH 03060-4783 .....	250,000
Manchester Housing & Redevelopment Authority, 198 Hanover St., Manchester, NH 03103-6125 .....	345,000
Dover Housing Authority, 62 Whittier St., Dover, NH 03820-2994 .....	228,964
Concord Housing Authority, 15 Pitman Street, Concord, NH 03301-4349 .....	116,078
Providence Housing Authority, 100 Broad Street, Providence, RI 02903-4129 .....	635,000
Pawtucket Housing Authority, 214 Roosevelt Avenue, Pawtucket, RI 02862-1303 .....	297,300
Woonsocket Housing Authority, 679 Social Street, Woonsocket, RI 02895-3251 .....	375,000
Newport Housing Authority, One York Street, Newport, RI 02840-1212 .....	330,600
Bridgeton Housing Authority, 110 E. Commerce St., Bridgeton, NJ 08302-2606 .....	225,000
Carteret Housing Authority, 96 Roosevelt Ave., Carteret, NJ 07008-2490 .....	126,000
Atlantic City Housing Authority, P.O. Box 1258, Atlantic City, NJ 08404-7549 .....	503,250
Trenton Housing Authority, 875 New Willow St., Trenton, NJ 08638-0000 .....	486,000
Neptune Housing Authority, 1810 Alberta Ave, Neptune, NJ 07753-4817 .....	172,500
Asbury Park Housing Authority, 1000 1/2 3rd Ave, Asbury Park, NJ 07712-3847 .....	250,000
Bayonne Housing Authority, 50 East 21st. Street, Bayonne, NJ 07002-3761 .....	338,000
Jersey City Housing Authority, 400 U.S. Highway #1, Jersey City, NJ 07306-6731 .....	928,750
Orange Housing Authority, 340 Thomas Boulevard, Orange, NJ 07050-4121 .....	250,000
North Bergen Housing Authority, 6121 Grand Avenue, North Bergen, NJ 07047-5436 .....	293,100
Lakewood Housing Authority, 317 Sampson Ave., Lakewood, NJ 08701-3565 .....	134,000
Elizabeth Housing Authority, 688 Maple Avenue, Elizabeth, NJ 07202-2690 .....	417,250
Paterson Housing Authority, 160 Ward Street, Paterson, NJ 07505-1998 .....	537,000
Rahway Housing Authority, 165 East Grand Avenue, Rahway, NJ 07065-5491 .....	137,000
Millville Housing Authority, 122 East Main St., Millville, NJ 08332-0803 .....	183,800
Camden Housing Authority, 517 Market Street, Camden, NJ 08102-1293 .....	582,250
East Orange Housing Authority, 160 Halstead Street, East Orange, NJ 07018-4228 .....	226,000
Hoboken Housing Authority, 400 Harrison Street, Hoboken, NJ 07030-6299 .....	336,250
Woodbridge Housing Authority, 10 Bunns Lane, Woodbridge, NJ 07095-1726 .....	250,000
Glassboro Housing Authority, 737 Lincoln Blvd., Glassboro, NJ 08028-0563 .....	90,000
Newark Housing Authority, 57 Sussex Avenue, Newark, NJ 07103-3992 .....	2,725,250
Long Branch Housing Authority, P.O. Box 336, Long Branch, NJ 07740-0336 .....	250,000
Plainfield Housing Authority, 510 East Front St., Plainfield, NJ 07060-1443 .....	234,500
Passaic Housing Authority, 333 Passaic Avenue, Passaic, NJ 07055-5896 .....	250,000
Perth Amboy Housing Authority, P.O. Box 390, Perth Amboy, NJ 08862-0390 .....	224,950
Union City Housing Authority, 3911 Kennedy Blvd., Union City, NJ 07087-2622 .....	250,000
Vineland Housing Authority, 191 Chestnut Avenue, Vineland, NJ 08360-5499 .....	250,000
West New York Housing Authority, 6100 Adams Street, West New York, NJ 07093-1537 .....	250,000
Monticello Housing Authority, 76 Evergreen Drive, Monticello, NY 12701-1630 .....	50,000
Municipal Housing Authority, the City of Yonkers, P.O. Box 35, Yonkers, NY 10710-0035 .....	652,250
Kingston Housing Authority, 97 Broadway, Kingston, NY 12401-2630 .....	65,500
Village of Hempstead Housing Authority, 50 Clinton Street, #504 Hempstead, NY 11550-5599 .....	181,000
Town of Hempstead Housing Authority, 260 Clinton Street, Uniondale, NY 11553-2929 .....	373,157
New Rochelle Municipal Housing Authority, 515 North Avenue, New Rochelle, NY 10801-4029 .....	250,000
New York City Housing Authority, 250 Broadway, New York, NY 10007-2516 .....	40,578,147
Peekskill Housing Authority, 840 Main Street, Peekskill, NY 10566-2028 .....	141,000
Long Beach Housing Authority, 1 West Chester Street, Long Beach, NY 11561-2099 .....	188,500
Freeport Housing Authority, 46 North Ocean Avenue, Freeport, NY 11520-4098 .....	180,500
Town of Islip Housing Authority, 963 Montauk Highway, Oakdale, NY 11769-1494 .....	176,000
Buffalo Municipal Housing Authority, 300 Perry St., Buffalo, NY 14204-2299 .....	1,244,000
Binghamton Housing Authority, P.O. Box 1906, Binghamton, NY 13902-1906 .....	250,000
Albany Housing Authority, 4 Lincoln Square, Albany, NY 12202-1637 .....	434,500
Municipal Housing Authority of the City of Utica, 509 2nd Street, Utica, NY 13501-2450 .....	330,600
Municipal Housing Authority of Schenectady, 375 Broadway, Schenectady, NY 12305-2595 .....	300,600
Geneva Housing Authority, P.O. Box 153, Geneva, NY 14456-2319 .....	119,000
Watervliet Housing Authority, 2400 Second Avenue, Watervliet, NY 12189-2746 .....	136,710
Syracuse Municipal Housing Authority, 516 Burt Street, Syracuse, NY 13202-3999 .....	617,750
Niagara Falls Housing Authority, 744 10th Street, Niagara Falls, NY 14301-1852 .....	256,200
D.C. Department of Public And Assisted Housing, 1133 North Capitol St., NE, Washington, DC 20002-7599 .....	2,872,000
Delaware State Housing Authority, 18 The Green, Dover, DE 19901 .....	205,000
Wilmington Housing Authority, 400 Walnut Street, Wilmington, DE 19801 .....	645,000

## APPENDIX A.—FISCAL YEAR 1995 PUBLIC AND INDIAN HOUSING RECIPIENTS OF FINAL FUNDING DECISIONS—Continued

[Program Name: Public and Indian Housing Drug Elimination Program (PHDEP); Statute: Public Law 100-690, November 18, 1988]

Funding recipient (Name and address)	Amount approved
Housing Opportunity Commission, Montgomery County, 10400 Detrick Avenue, Kensington, MD 20895 .....	375,000
Housing Authority of the City of Rockville, 14 Moore Drive, Rockville, MD 20850-1230 .....	80,500
Housing Authority of the City of Annapolis, 1212 Madison Street, Annapolis, MD 21403 .....	250,000
Housing Authority Of Baltimore City, 417 East Fayette St., Baltimore, MD 21202 .....	4,507,250
St. Michaels Housing Authority, P.O. Box 296, St. Michaels, MD 21663 .....	50,000
Housing Authority of Cumberland, 635 East First Street, Cumberland, MD 21502 .....	215,000
Erie Housing Authority, 606 Holland Street, Erie, PA 16501-1285 .....	464,500
Washington County Housing Authority, 100 Crumrine Tower, Washington, PA 15301-6995 .....	249,723
Beaver County Housing Authority, 300 State Avenue, Beaver, PA 15009-1798 .....	482,750
Pittsburgh Housing Authority, 200 Ross St., Pittsburgh, PA 15219-2068 .....	2,240,500
Chester County Housing Authority, 222 North Church St., West Chester, PA 19380 .....	248,609
Philadelphia Housing Authority, 2012-18 Chestnut St., Philadelphia, PA 19103-4497 .....	5,282,250
Montgomery County Housing Authority, 1875 New Hope Street, Norristown, PA 19401-3146 .....	250,000
Chester Housing Authority, 1010 Madison Street, Chester, PA 19016-0380 .....	426,750
Bethlehem Housing Authority, 645 Main Street, Bethlehem, PA 18018 .....	200,000
Reading Housing Authority, 400 Boulevard, Reading, PA 19611 .....	402,500
Bucks County Housing Authority, 350 S. Main Street, Doylestown, PA 18901-0967 .....	210,436
Lancaster Housing Authority, 333 Church Street, Lancaster, PA 17602-4253 .....	234,722
York Housing Authority, 31 South Broad Street, York, PA 17405 .....	320,400
Fairfax County Redevelopment & Housing Authority, 3700 Pender Drive, Fairfax, VA 22030-7444 .....	284,100
Alexandria Redevelopment & Housing Authority, 600 North Fairfax Street, Alexandria, VA 22314-2094 .....	250,000
Richmond Redevelopment & Housing Authority, P.O. Box 26887, Richmond, VA 23261-6887 .....	1,102,999
Hopewell Redevelopment & Housing Authority, P.O. Box 1361, Hopewell, VA 23860-1361 .....	245,000
Danville Redevelopment & Housing Authority, P.O. Box 2669, Danville, VA 24541-0669 .....	249,800
Chesapeake Redevelopment & Housing Authority, P.O. Box 1304, Chesapeake, VA 23327-1304 .....	201,000
Waynesboro Redevelopment & Housing Authority, P.O. Box 1138, Waynesboro, VA 22980-0821 .....	85,000
Bristol Redevelopment & Housing Authority, 650 Quarry Street, Bristol, VA 24201-4390 .....	240,500
Cumberland Plateau Regional Housing Authority, P.O. Box 1328, Lebanon, VA 24266-1328 .....	154,500
Petersburg Redevelopment & Housing Authority, P.O. Box 311, Petersburg, VA 23804-0311 .....	239,847
Norfolk Redevelopment & Housing Authority, P.O. Box 968, Norfolk, VA 23501-0968 .....	1,031,750
Hampton Redevelopment & Housing Authority, P.O. Box 280, Hampton, VA 23669-0280 .....	298,800
Suffolk Redevelopment & Housing Authority, P.O. Box 3079, Suffolk, VA 23439 .....	233,000
Newport News Redevelopment & Housing Authority, P.O. Box 77, Newport News, VA 23607-0077 .....	554,750
Portsmouth Redevelopment & Housing Authority, P.O. Box 1098, Portsmouth, VA 23705-1098 .....	476,250
Housing Authority of the City of Clarksburg, 916 W. Pike Street, Clarksburg, WV 26301-2250 .....	162,500
Housing Authority of the City of Wheeling, P.O. Box 2089, Wheeling, WV 26003-2089 .....	279,761
Housing Authority of the City of Parkersburg, 1901 Cameron Avenue, Parkersburg, WV 26101-9316 .....	71,000
Housing Authority of the City of Charleston, P.O. Box 86, Charleston, WV 25321 .....	391,250
Housing Authority of the City of Montgomery, 1020 Bell St., Montgomery, AL 36104 .....	648,750
Sylacauga Housing Authority, P.O. Box 539, Sylacauga, AL 35150 .....	250,000
Greater Gadsden Housing Authority, P.O. Box 1219, Gadsden, AL 35902-1219 .....	300,000
Housing Authority of the City of Talladega, 151 Curry Court, Talladega, AL 35160 .....	248,000
Anniston Housing Authority, P.O. Box 2225, Anniston, AL 36202-2225 .....	250,000
Housing Authority of the Town of York, P.O. Box 9, York, AL 36925-0009 .....	50,000
Housing Authority of the City of Auburn, 931 Booker Street, Auburn, AL 36830 .....	147,010
Housing Authority of the City of Prichard, P.O. Box 10307, Prichard, AL 36610 .....	214,500
Housing Authority of the City of Leeds, P.O. Box 513, Leeds, AL 35094-0513 .....	78,000
Mobile Housing Board, P.O. Box 1345, Mobile, AL 36633-1345 .....	1,045,250
Housing Authority of the Birmingham District, P.O. Box 55906, Birmingham, AL 35255-5906 .....	1,702,500
Fairfield Alabama Housing Authority, P.O. Box 352, Fairfield, AL 35064-0352 .....	139,200
Housing Authority of the City of Bessemer, P.O. Box 1390, Bessemer, AL 35020 .....	250,000
Housing Authority of the City of Eufaula, P.O. Box 36, Eufaula, AL 36027-0036 .....	160,500
Housing Authority of the City of Decatur, P.O. Box 878, Decatur, AL 35602 .....	250,000
Housing Authority of the City of Dadeville, 845 Freeman Dr, Dadeville, AL 36853 .....	50,000
Housing Authority of the City of Troy, P.O. Drawer 289, Troy, AL 36081-0321 .....	216,000
Housing Authority of the City of Huntsville, P.O. Box 486, Huntsville, AL 35804-0486 .....	465,500
Housing Authority of the City of Lanett, P.O. Box 465, Lanett, AL 36863-0465 .....	181,000
Housing Authority of the City of Scottsboro, 102 Worthington St., Scottsboro, AL 35768 .....	138,000
Housing Authority, City of Oneonta, #1 Hillcrest Circle, Oneonta, AL 35121 .....	90,000
Housing Authority of the City of Ozark, P.O. Box 566, Ozark, AL 36361-0566 .....	205,000
Jefferson County Housing Authority, 3700 Industrial Pkwy., Birmingham, AL 35217 .....	250,000
Housing Authority of the City of Dothan, P.O. Box 1727, Dothan, AL 36302-1727 .....	250,000
Housing Authority of the City of Greenville, P.O. Box 521, Greenville, AL 36037-0521 .....	99,500
Tuscaloosa Housing Authority, P.O. Box 2281, Tuscaloosa, AL 35403-2281 .....	349,357
Housing Authority of the City of Tuskegee, 2901 Davison St., Tuskegee Institute, AL 36088 .....	250,000
Childersburg Housing Authority, P.O. Box 396, Childersburg, AL 35044-0396 .....	94,500
Opelika Housing Authority, P.O. Box 786, Opelika, AL 36801-0786 .....	250,000
Housing Authority of the City of Northport, P.O. Drawer 349, Northport, AL 35476-0349 .....	198,000
Housing Authority of the City of Phenix City, P.O. Box 338, Phenix City, AL 36868-0338 .....	280,800
Housing Authority of the City of Alexander City, P.O. Box 788, Alexander City, AL 35011 .....	200,000

## APPENDIX A.—FISCAL YEAR 1995 PUBLIC AND INDIAN HOUSING RECIPIENTS OF FINAL FUNDING DECISIONS—Continued

[Program Name: Public and Indian Housing Drug Elimination Program (PHDEP); Statute: Public Law 100-690, November 18, 1988]

Funding recipient (Name and address)	Amount approved
Housing Authority of the City of Jasper, P.O. Box 582, Jasper, AL 35501-0582 .....	169,000
Florence Housing Authority, 303 N. Pine St., Florence, AL 35630 .....	198,000
Housing Authority of the City of Jacksonville, 100 Roebuck Manor, Jacksonville, AL 36265 .....	75,000
Housing Authority of the City of Piedmont, P.O. Box 420, Piedmont, AL 36272-0420 .....	105,000
Housing Authority of the City of Cocoa, P.O. Box 540338, Merritt Island, FL 32954-0338 .....	218,000
Melbourne Housing Authority, PO Box 540338, Merritt Island, FL 32954-0338 .....	129,000
Housing Authority of the City of Daytona Beach, 118 Cedar Street, Daytona Beach, FL 32114-4904 .....	321,900
Palatka Housing Authority, 400 N. 15th Street, Palatka, FL 32177 .....	240,000
Housing Authority of the City of Lakeland, P.O. Box 1009, Lakeland, FL 33802-1009 .....	250,000
DeLand Housing Authority, 300 Sunflower Circle, DeLand, FL 32724-5556 .....	100,000
Gainesville Housing Authority, P.O. Box 1468, Gainesville, FL 32602 .....	250,000
Housing Authority of the City of Sarasota, 1300 Sixth Street, Sarasota, FL 34236 .....	246,270
Housing Authority of the City of Ft. Pierce, 707 N. 7th St., Ft. Pierce, FL 34950 .....	255,000
Broward County Housing Authority, 1773 N. State Road 7, Lauderdale, FL 33313 .....	239,864
Area Housing Commission, P.O. Box 18370, Pensacola, FL 32523-8370 .....	250,000
Ft. Walton Beach Housing Authority, 27 Robinwood Dr. SW., Fort Walton Beach, FL 32548-5394 .....	85,500
Housing Authority of the City of Ft. Myers, 4224 Michigan Avenue, Ft. Myers, FL 33916 .....	291,600
Panama City Housing Authority, 804 E. 15th Street, Panama City, FL 32405 .....	225,000
Housing Authority of the City of Orlando, 300 Reeves Court, Orlando, FL 32801-3199 .....	425,750
Dade County HUD, 1401 NW 7th Street, Miami, FL 33125 .....	2,792,500
Housing Authority of the City of Key West, 1400 Kennedy Drive, Key West, FL 33040-2476 .....	250,000
Housing Authority of the City of Moultrie, P.O. Box 1048, Moultrie, GA 31776 .....	164,000
Housing Authority of the City of Covington, P.O. Box 1367, Covington, GA 30210-1367 .....	140,000
Housing Authority of the City of Alma, 401 East 12th Street, Alma, GA 31510-0190 .....	161,500
Housing Authority of the City of Loganville, P.O. Box 550, Monroe, GA 30655-0550 .....	50,000
Housing Authority of the City of Bremen, P.O. Box 776, Bremen, GA 30110-2160 .....	56,000
Housing Authority of the City of Social Circle, P.O. Box 550, Monroe, GA 30655-0550 .....	50,000
Housing Authority of the City of Gainesville, 854 Davis Street, Gainesville, GA 30503-0653 .....	250,000
Housing Authority of the City of Monroe, P.O. Box 550, Monroe, GA 30655-0550 .....	191,500
Housing Authority of the City of Jesup, P.O. Box 396, Jesup, GA 31545-3001 .....	107,000
Housing Authority of the City of Madison, P.O. Box 550, Monroe, GA 30655-0550 .....	50,000
Housing Authority of the City of Augusta, P.O. Box 3246, Augusta, GA 30914-3246 .....	692,750
Housing Authority of the City of College Park, 1908 West Princeton, College Park, GA 30337-2418 .....	210,500
Housing Authority of the City of Waycross, P.O. Box 1407, Waycross, GA 31502-1407 .....	250,000
Housing Authority of the City of Elberton, 12 North McIntosh St., Elberton, GA 30635-1552 .....	92,500
Housing Authority of the City of Warner Robins, 112 Memorial Terrace, Warner Robins, GA 31099-2048 .....	222,000
Housing Authority of the City of Rome, 800 N. Fifth Avenue, Rome, GA 30162-1428 .....	329,400
Housing Authority of the City of Pelham, P.O. Box 269, Pelham, GA 31779-0269 .....	105,000
Housing Authority of the City of Camilla, P.O. Box 247, Camilla, GA 31730-0247 .....	229,000
Housing Authority of the City of Decatur, P.O. Box 1627, Decatur, GA 30031-1627 .....	294,600
Housing Authority of the City of Macon, P.O. Box 4928, Macon, GA 31208-4928 .....	543,250
Housing Authority of the City of Columbus, P.O. Box 630, Columbus, GA 31902-0630 .....	534,250
Housing Authority of the City of Americus, 825 N. Mayo Street, Americus, GA 31709-2627 .....	250,000
Housing Authority of the City of Canton, 1 Shipp Street, Canton, GA 30114-2813 .....	76,000
Housing Authority of Savannah, P.O. Box 1179, Savannah, GA 31402-1179 .....	650,230
Housing Authority of the City of Athens, P.O. Box 1469, Athens, GA 30603-1469 .....	375,000
Housing Authority of the City of Brunswick, P.O. Box 1118, Brunswick, GA 31521-1118 .....	250,000
Housing Authority of the City of Valdosta, 610 E. Ann Street, Valdosta, GA 31601 .....	250,000
Housing Authority of the City of Dublin, P.O. Box 36, Dublin, GA 31040 .....	250,000
Housing Authority of the City of Eastman, P.O. Box 100, Eastman, GA 31023-0100 .....	105,900
Housing Authority of the City of Calhoun, 111-F South Fair St., Calhoun, GA 30701-2369 .....	125,000
Housing Authority of Fulton, 200 N. Highland Dr., Fulton, KY 42041 .....	58,980
Housing Authority of Bowling Green, P.O. Box 116, Bowling Green, KY 42101 .....	159,000
Housing Authority of Paducah, 2330 Ohio St., Paducah, KY 42002 .....	323,400
Housing Authority of Frankfort, 590 Walter Todd Dr., Frankfort, KY 40601 .....	121,000
Housing Authority of Richmond, P.O. Box 447, Richmond, KY 40475 .....	167,500
Housing Authority of Maysville, P.O. Box 446, Maysville, KY 41056 .....	137,500
Housing Authority of Covington, P.O. Box 15279, Covington, KY 41015-0279 .....	288,900
Housing Authority of Georgetown, 139 Scroggin Park, Georgetown, KY 40324 .....	162,196
Housing Authority of Williamsburg, 600 Brush Arbor Apts., Williamsburg, KY 40769 .....	121,500
Housing Authority of Louisville, 420 South Eighth St., Louisville, KY 40203 .....	1,460,250
Housing Authority of Danville, P.O. Box 666, Danville, KY 40423-0666 .....	113,500
Housing Authority of Lexington, 635 Ballard Street, Lexington, KY 40508 .....	432,250
Housing Authority of the City of Corinth, P.O. Box 1003, Corinth, MS 38834-1003 .....	159,000
Housing Authority of the City of Hazlehurst, P.O. Box 572, Hazlehurst, MS 39083 .....	61,000
Housing Authority of the City of Biloxi, P.O. Box 447, Biloxi, MS 39533 .....	250,074
Housing Authority of the City of Laurel, P.O. Box 2910, Laurel, MS 39442 .....	204,300
Housing Authority of the City of Aberdeen, P.O. Box 69, Aberdeen, MS 39730 .....	81,500
Housing Authority of the City of Columbus, P.O. Box 648, Columbus, MS 39703-0648 .....	240,000
Housing Authority of the City of Picayune, P.O. Drawer 40, Picayune, MS 39466 .....	177,000

## APPENDIX A.—FISCAL YEAR 1995 PUBLIC AND INDIAN HOUSING RECIPIENTS OF FINAL FUNDING DECISIONS—Continued

[Program Name: Public and Indian Housing Drug Elimination Program (PHDEP); Statute: Public Law 100–690, November 18, 1988]

Funding recipient (Name and address)	Amount approved
Housing Authority of the City of McComb, P.O. Box 469, McComb, MS 39648 .....	217,500
Housing Authority of the City of Bay St. Louis, 601 Bienville, Bay St. Louis, MS 39520 .....	49,968
Housing Authority of the City of Oxford, P.O. Box 488, Oxford, MS 38655 .....	89,000
Housing Authority of the City of Tupelo, P.O. Box 3, Tupelo, MS 38802–0003 .....	203,500
Housing Authority of the City of Clarksdale, P.O. Box 908, Clarksdale, MS 38614 .....	148,000
Mississippi Regional Housing Authority No. IV, P.O. Box 1051, Columbus, MS 39703–1051 .....	176,940
Housing Authority of the City of Lumberton, P.O. Box 192, Lumberton, MS 39455 .....	50,000
Housing Authority of the City of Greenwood, P.O. Box 1847, Greenwood, MS 38935–1847 .....	172,310
Housing Authority of the City of Meridian, P.O. Box 870, Meridian, MS 39302–0870 .....	375,000
Housing Authority of the City of Natchez, 160 St. Catherine St, Natchez, MS 39120 .....	148,000
Housing Authority of the City of Starkville, P.O. Box 795, Starkville, MS 39759 .....	122,000
Housing Authority of the City of Jackson, P.O. Box 11327, Jackson, MS 39283–1327 .....	244,000
City of Albemarle, Dept. of Housing, P.O. Drawer 1367, Albemarle, NC 28002 .....	100,000
Housing Authority of the City of Asheville, P.O. Box 1898, Asheville, NC 28802 .....	390,500
Asheboro Housing Authority, P.O. Box 609, Asheboro, NC 27204 .....	50,000
Town of Ayden, Department of Housing, P.O. Box 482, Ayden, NC 28513 .....	86,953
Burlington Housing Authority P.O. Box 2380, Burlington, NC 27216 .....	184,000
Housing Authority of the City of Charlotte, P.O. Box 36795, Charlotte, NC 28236 .....	978,726
Housing Authority of the City of Durham, P.O. Box 1726, Durham, NC 27702 .....	541,000
Fairmont Housing Authority, P.O. Box 661, Fairmont, NC 28340 .....	50,000
Fayetteville Metropolitan Housing Authority, P.O. Box 2349, Fayetteville, NC 28302 .....	303,600
Housing Authority of the City of Goldsboro, P.O. Box 1403, Goldsboro, NC 27533 .....	367,500
Housing Authority of the City of Greensboro, P.O. Box 21287, Greensboro, NC 27420 .....	608,750
Housing Authority of the City of Greenville, P.O. Box 1426, Greenville, NC 27835–1426 .....	250,000
Hendersonville Housing Authority, P.O. Box 1106, Hendersonville, NC 28793 .....	194,000
Hamlet Housing Authority, P.O. Box 1188, Hamlet, NC 28345 .....	115,000
Hertford Housing Authority, 104 White Street, Hertford, NC 27944 .....	50,000
City of Hickory Public Housing Authority, P.O. Box 2927, Hickory, NC 28603 .....	155,500
Housing Authority of the City of Kinston, P.O. Box 697, Kinston, NC 28502 .....	250,000
Housing Authority of the City of High Point, P.O. Box 1779, High Point, NC 27261 .....	375,000
Housing Authority of the City of Laurinburg, P.O. Box 1437, Laurinburg, NC 28353 .....	246,000
Lincolnton Housing Authority, P.O. Box 753, Lincolnton, NC 28093 .....	124,000
Housing Authority of the City of Lumberton, P.O. Drawer 709, Lumberton, NC 28359 .....	250,000
Maxton Housing Authority, P.O. Box 126, Maxton, NC 28364 .....	50,000
Monroe Housing Authority, P.O. Box 805, Monroe, NC 28111–0805 .....	103,000
Morganton Housing Authority, P.O. Box 1053, Morganton, NC 28680–1053 .....	125,000
Housing Authority of the City of New Bern, P.O. Box 1486, New Bern, NC 28563 .....	250,000
Oxford Housing Authority, P.O. Box 616, Oxford, NC 27565 .....	120,500
Pembroke Housing Authority, P.O. Drawer 910, Pembroke, NC 28372 .....	120,500
Housing Authority of the City of Raleigh, P.O. Box 28007, Raleigh, NC 27611 .....	518,500
Rockingham Housing Authority, P.O. Box 160, Rockingham, NC 28379 .....	112,500
Housing Authority of the City of Rocky Mount, P.O. Box 4717, Rocky Mount, NC 27803 .....	250,000
Rowan County Housing Authority, 121 W. Council St., Salisbury, NC 28144 .....	100,000
Housing Authority of the City of Salisbury, P.O. Box 159, Salisbury, NC 28145 .....	250,000
Sanford Housing Authority, P.O. Box 636, Sanford, NC 27331 .....	232,000
Selma Housing Authority, 711 Lizzie St., Selma, NC 27576 .....	91,500
Smithfield Housing Authority, P.O. Box 1058, Smithfield, NC 27577 .....	102,500
Southern Pines Housing Authority, 801 S. Mechanic St., Southern Pines, NC 28387 .....	50,000
Statesville Housing Authority, 433 S. Meeting St., Statesville, NC 28677 .....	244,030
Thomasville Housing Authority, 201 James Ave., Thomasville, NC 27360–2426 .....	130,000
Troy Housing Authority, 201 Stanley St., Troy, NC 27371 .....	50,000
Washington Housing Authority, P.O. Box 1046, Washington, NC 27889 .....	191,300
Housing Authority of the City of Wilmington, P.O. Box 899, Wilmington, NC 28402 .....	430,500
Williamston Housing Authority, P.O. Box 709, Williamston, NC 27892 .....	74,412
Housing Authority of the City of Wilson, P.O. Box 3876, Wilson, NC 27895 .....	166,741
Housing Authority of the City of Winston-Salem, 901 Cleveland Ave., Winston-Salem, NC 27101 .....	541,500
Puerto Rico Public Housing Administration, PO Box 363188, San Juan, PR 00936–3188 .....	12,822,360
Housing Authority of the City of Columbia, 1917 Harden Street, Columbia, SC 29204–4307 .....	582,250
Housing Authority of York, Post Office Box 687, York, SC 29745–0687 .....	64,500
Housing Authority of Rock Hill, P.O. Box 11579, Rock Hill, SC 29730–1579 .....	184,500
Housing Authority of Aiken, Post Office Box 889, Aiken, SC 29802–0889 .....	195,000
Housing Authority of North Charleston, Post Office Box 70987, North Charleston, SC 29415–0987 .....	230,560
Housing Authority of Spartanburg, Post Office Box 2828, Spartanburg, SC 29306 .....	394,750
Housing Authority of Beaufort, Post Office Box 1104, Beaufort, SC 29901–1104 .....	86,450
Housing Authority of the City of Charleston, 20 Franklin Street, Charleston, SC 29401–6907 .....	372,453
Knoxville's Community Development Corporation, P. O. Box 3550, Knoxville, TN 37927 .....	981,500
Chattanooga Housing Authority, P. O. Box 1486, Chattanooga, TN 37401–1148 .....	914,750
Kingsport Housing Authority, P. O. Box 44, Kingsport, TN 37662–0044 .....	250,000
Metropolitan Development & Housing Agency, P.O. Box 846, Nashville, TN 37202–0846 .....	1,590,750
Clarksville Housing Authority, P. O. Box 603, Clarksville, TN 37041–0603 .....	196,470

## APPENDIX A.—FISCAL YEAR 1995 PUBLIC AND INDIAN HOUSING RECIPIENTS OF FINAL FUNDING DECISIONS—Continued

[Program Name: Public and Indian Housing Drug Elimination Program (PHDEP); Statute: Public Law 100-690, November 18, 1988]

Funding recipient (Name and address)	Amount approved
Jackson Housing Authority, P.O. Box 3188, Jackson, TN 38301-3188 .....	272,158
Franklin Housing Authority, P. O. Box 304, Franklin, TN 37065-0304 .....	154,000
Covington Housing Authority, P. O. Box 88, Covington, TN 38019-0088 .....	76,984
Brownsville Housing Authority, P. O. Box 194, Brownsville, TN 38012-0194 .....	81,500
Murfreesboro Housing Authority, 318 E. Lokey Avenue, Murfreesboro, TN 37130 .....	99,000
Memphis Housing Authority, P. O. Box 3664, Memphis, TN 38103-0664 .....	1,752,750
Virgin Islands Housing Authority, P.O. Box 7668, St. Thomas, VI 00801-7668 .....	1,319,500
Seminole Tribe of Florida, 3101 North 63rd Avenue, Hollywood, FL 33024 .....	189,000
Peoria Housing Authority, 100 S Sheridan Rd., Peoria, IL 61605-3905 .....	479,970
Alexander County Housing Authority, 100 The Riverview, Cairo, IL 62914 .....	250,000
Decatur Housing Authority, 1808 E Locust St., Decatur, IL 62521-1409 .....	262,500
Chicago Housing Authority, 626 W Jackson Blvd., Chicago, IL 60661 .....	10,008,250
Housing Authority East St. Louis, 700 N 20th St., East St Louis, IL 62205 .....	583,750
Madison County Housing Authority, 1609 Olive St., Collinsville, IL 62234 .....	255,000
Rock Island City Housing Authority, 111 20th St., Rock Island, IL 61201-8827 .....	198,130
Housing Authority City Bloomington, 104 E Wood, Bloomington, IL 61701-6768 .....	250,000
Housing Authority City Danville, P.O. Box 312, Danville, IL 61834-0312 .....	250,000
Elgin Housing Authority, 120 S State St., Elgin, IL 60123 .....	33,120
Springfield Housing Authority, 200 N 11th St., Springfield, IL 62703-1004 .....	375,000
Knox County Housing Authority, 255 W Tompkins St., Galesburg, IL 61401 .....	133,800
Cook County Housing Authority, 59 E Van Buren St., Chicago, IL 60605 .....	545,500
St. Clair County Housing Authority, 100 N 48th St., Belleville, IL 62223 .....	304,800
Champaign County Housing Authority, P.O. Box 183, Urbana, IL 61801-0183 .....	250,000
Rockford Housing Authority, 330 15th Ave., Rockford, IL 61108 .....	507,250
Randolph County Housing Authority, 214 Opdyke St., Chester, IL 62233 .....	110,500
Gary Housing Authority, 578 Broadway, Gary, IN 46402-1986 .....	621,500
Indianapolis Public Housing Division, 410 North Meridian Street, Indianapolis, IN 46204 .....	682,250
Fort Wayne Housing Authority, P. O. Box 13489, Fort Wayne, IN 46803-3489 .....	250,000
South Bend Housing Authority, P.O. Box 11057, South Bend, IN 46634-0057 .....	261,600
East Chicago Housing Authority, P.O. Box 498, East Chicago, IN 46312-0498 .....	250,000
Evansville Housing Authority, P.O. Box 3605, Evansville, IN 47713 .....	373,500
Pleasant Point Passamaquoddy Reserv. Housing Auth., P.O. Box 339, Perry, ME 04667 .....	67,000
Indian Township Housing Authority, P.O. Box 99, Princeton, ME 04668 .....	89,412
Port Huron Housing Commission, 905 Seventh Street, Port Huron, MI 48060-5399 .....	220,000
Royal Oak Township Housing Commission, 21312 Wyoming Ave., Ferndale, MI 48220-2125 .....	64,000
Saginaw Housing Commission, 2811 Davenport St., Saginaw, MI 48602-3747 .....	290,400
Flint Housing Commission, 3820 Richfield Road, Flint, MI 48506-2616 .....	374,400
Ecorse Housing Commission, 266 Hyacinth Street, Ecorse, MI 48229-1699 .....	100,000
River Rouge Housing Commission, P.O. Box 18174, River Rouge, MI 48218-1159 .....	150,000
Inkster Housing Commission, 4500 Inkster Road, Inkster, MI 48141-1871 .....	255,930
Mount Clemens Housing Commission, 50 Church Street, Mt. Clemens, MI 48043-2253 .....	144,000
Detroit Housing Department, 2211 Orleans, Detroit, MI 48207-2780 .....	2,181,000
Ypsilanti Housing Commission, 601 Armstrong Drive, Ypsilanti, MI 48197-5224 .....	109,000
Pontiac Housing Commission, 132 Franklin Blvd., Pontiac, MI 48341 .....	250,000
Sault Ste. Marie Tribal Housing Authority, 2218 Shunk Road, Sault Ste., Marie, MI 49783 .....	157,500
Leech Lake Reservation Housing Authority, Route 3, Box 100, Cass Lake, MN 56633 .....	199,500
Fond du Lac Lake Superior, Band of Chippewa, 932 Trettle Lane, Cloquet, MN 55720 .....	152,000
Mississippi Band of Choctaw Indians, P.O. Box 6088, Choctaw Bra, Philadelphia, MS 39350 .....	207,900
Qualla Housing Authority, P.O. Box 1749, Cherokee, NC 28719-1749 .....	300,000
North Carolina Indian Housing Authority, POB 2343, Fayetteville, NC 28302 .....	127,000
Allen Metropolitan Housing Authority, 600 S. Main Street, Lima, OH 45804 .....	118,000
Columbus Metropolitan Housing Authority, 960 E Fifth Avenue, Columbus, OH 43201 .....	1,123,074
Zanesville Metropolitan Housing Authority, 2746 Maple Avenue, Zanesville, OH 43701 .....	250,000
Chillicothe Metropolitan Housing Authority, 178 W. Fourth Street, Chillicothe, OH 45601 .....	168,500
Dayton Metropolitan Housing Authority, 400 Wayne Avenue, Dayton, OH 45410-1106 .....	1,124,750
Cincinnati Metropolitan Housing Authority, 16 W. Central Pkwy, Cincinnati, OH 45210-1991 .....	1,917,000
Butler Metropolitan Housing Authority, Box 357, Hamilton, OH 45012-0357 .....	326,000
Stark Metropolitan Housing Authority, 1800 W. Tuscarawas, Canton, OH 44708-4997 .....	635,448
Lorain Metropolitan Housing Authority, 1600 Kansas Avenue, Lorain, OH 44052-2602 .....	375,000
Youngstown Metropolitan Housing Authority, 131 Boardman Street, Youngstown, OH 44503-1329 .....	515,939
Lucas Metropolitan Housing Authority, P.O. Box 477, Toledo, OH 43697-0477 .....	806,250
Jefferson Metropolitan Housing Authority, 815 N. Sixth Avenue, Steubenville, OH 43952-1847 .....	249,505
Akron Metropolitan Housing Authority, 180 West Cedar St., Akron, OH 44307-2546 .....	1,222,500
Cuyahoga Metropolitan Housing Authority, 1441 W. 25th Street, Cleveland, OH 44113-3101 .....	2,878,750
Housing Authority of the City of Milwaukee, P.O. Box 324, Milwaukee, WI 53202-3669 .....	1,187,000
Lac Courte Oreilles, Route 2, Box 2720, Hayward, WI 54843, .....	220,500
Ho-Chunk Nation Housing Authority, P.O. Box 546, Tomah, WI 54660 .....	90,500
Menominee Tribal Housing Authority, P.O. Box 459, Keshena, WI 54135-0459 .....	229,000
Lac du Flambeau Chippewa Housing Authority, P.O. Box 187, Lac du Flambeau, WI 54538-0187 .....	143,689
Oneida Housing Authority, 2913 Commissioner St., Oneida, WI 54155, .....	126,500



## APPENDIX A.—FISCAL YEAR 1995 PUBLIC AND INDIAN HOUSING RECIPIENTS OF FINAL FUNDING DECISIONS—Continued

[Program Name: Public and Indian Housing Drug Elimination Program (PHDEP); Statute: Public Law 100-690, November 18, 1988]

Funding recipient (Name and address)	Amount approved
Housing Authority of the City of North Little Rock, Box 516, North Little Rock, AR 72115-0516 .....	322,500
Housing Authority of the City of Texarkana, 110 Bramble Courts, Texarkana, AR 75502 .....	201,500
Housing Authority of the City of Camden, Box 39, Camden, AR 71701-0039 .....	250,000
Housing Authority of the City of Brinkley, 501 West Cedar, Brinkley, AR 72021-2713 .....	67,000
Housing Authority of the City of Warren, Box 602, Warren, AR 71671-0602 .....	85,500
Housing Authority of the City of England, 102 Benafield Drive, England, AR 72046-0214 .....	60,500
Housing Authority of the City of West Memphis, 2810 Harrison, West Memphis, AR 72301-6099 .....	197,426
Housing Authority of the City of Hope, 720 Texas Street, Hope, AR 71801-6399 .....	94,000
Housing Authority of the City of Little Rock, 1000 Wolfs Street, Little Rock, AR 72202 .....	411,250
Housing Authority of Shreveport, 623 Jordan St., Shreveport, LA 71101 .....	250,000
Housing Authority of Alexandria, P.O. Box 8219, Alexandria, LA 71306-8219 .....	250,000
Housing Authority of Patterson, P.O. Box 329, Patterson, LA 70392-0329 .....	52,000
Housing Authority of New Orleans, 918 Carondelet St., New Orleans, LA 70130 .....	3,432,000
Housing Authority of DeQuincy, P.O. Box 126, DeQuincy, LA 70633-0126 .....	40,000
Housing Authority of New Iberia, 325 North Street, New Iberia, LA 70560 .....	99,312
Housing Authority of Bogalusa, 1015 Union Avenue, Bogalusa, LA 70429 .....	57,195
Housing Authority of DeRidder, P.O. Box 387, DeRidder, LA 70634-0387 .....	50,000
Housing Authority of the City of Natchitoches, P.O. Box 754, Natchitoches, LA 71457-0754 .....	203,240
Housing Authority of St. James Parish, P.O. Box 280, Litcher, LA 70071-0280 .....	159,000
Housing Authority of St. John the Baptist Parish, P.O. Box 1599, Laplace, LA 70069-1599 .....	158,000
Housing Authority of Monroe, P.O. Box 1194, Monroe, LA 71201-1194 .....	380,500
Housing Authority of East Baton Rouge Parish, 4546 North Street, Baton Rouge, LA 70806-3422 .....	368,714
Housing Authority of Ruston, P.O. Drawer 1283, Ruston, LA 71270-1283 .....	150,000
Housing Authority of the City of Las Cruces, 926 S. San Pedro St., Las Cruces, NM 88001 .....	161,000
Housing Authority of the Town of Bernalillo, P.O. Box 70, Bernalillo, NM 87004-0070 .....	50,000
Housing Authority of the City of Santa Fe, P.O. Box 4039, Santa Fe, NM 87502-4039 .....	230,500
Housing Authority of the City of Alamogordo, P.O. Box 336, Alamogordo, NM 88310-0336 .....	110,000
Housing Authority of the County of Santa Fe, 52 Camino de Jacobo, Santa Fe, NM 87501-9203 .....	110,500
Oklahoma City Housing Authority, 1700 NE Fourth St., Oklahoma City, OK 73117 .....	785,500
Housing Authority of the City Of McAlester, P.O. Box 819, McAlester, OK 74501-0819 .....	137,000
Housing Authority of the City of Lawton, 609 SW "F" Ave., Lawton, OK 73501-4501 .....	158,500
Housing Authority of the City of Norman, 700 N. Berry Rd., Norman, OK 73069-0000 .....	85,850
Housing Authority of the City of Idabel, P.O. Box 838, Idabel, OK 74745-0838 .....	98,500
Housing Authority of the City of Tulsa, P.O. Box 6369, Tulsa, OK 74148-0369 .....	651,800
Osage Housing Authority, P.O. Box 517, Hominy, OK 74035 .....	256,694
Sac & Fox Nation of Oklahoma, 201 N. Harrison, Shawnee, OK 74801-1252 .....	203,000
Cherokee Nation, P.O. Box 1007, Tahlequah, OK 74465 .....	699,750
Peoria Tribe of Oklahoma, P.O. Box 1304, Miami, OK 74355 .....	209,500
Comanche Housing Authority, 216 SE J Avenue P.O. Box, Lawton, OK 73502 .....	186,500
Choctaw Nation IHA, Choctaw County, Hugo, OK 74743 .....	458,750
Chickasaw Nation IHA, 901 N. Country Club Road, Ada, OK 74820 .....	474,750
Housing Authority of the City of Houston, P.O. Box 2971, Houston, TX 77252-2971 .....	1,011,000
Housing Authority of the City of Nacogdoches, 715 Summit Street, Nacogdoches, TX 75961 .....	50,000
Housing Authority of the City of Texas City, 817 Second Ave. North, Texas City, TX 77590 .....	49,500
Housing Authority of the City of Baytown, 805 Nazro St., Baytown, TX 77520 .....	104,484
Housing Authority of the City of Galveston, 920 53rd Street, Galveston, TX 77551-1099 .....	348,500
Housing Authority of Waco, P.O. Box 978, Waco, TX 76703-0978 .....	266,700
Housing Authority of Denison, P.O. Box 447, Denison, TX 75020-0447 .....	100,000
Housing Authority of Sherman, P.O. Box 2147, Sherman, TX 75091-2147 .....	116,400
Housing Authority of Temple, P.O. Box 634, Temple, TX 76503-0634 .....	133,870
Housing Authority of El Paso, P.O. Box 9895, El Paso, TX 79989-9895 .....	1,566,750
Housing Authority of Fort Worth, P.O. Box 430, Fort Worth, TX 76101-0430 .....	375,000
Housing Authority of Dallas, 3939 N. Hampton Rd., Dallas, TX 75212-0000 .....	1,435,250
Housing Authority of the City of Orange, P.O. Box 3107, Orange, TX 77631-3107 .....	196,000
Housing Authority of the City of Beaumont, P.O. Box 1312, Beaumont, TX 77704-1312 .....	241,616
Harlingen Housing Authority, P.O. Box 1669, Harlingen, TX 78551-1669 .....	250,000
Starr County Housing Authority, P.O. Box 50, Rio Grande City, TX 78582-0050 .....	50,000
Mission Housing Authority, 906 8th Street, Mission, TX 78572 .....	98,500
San Benito Housing Authority, P.O. Box 1950, San Benito, TX 78586-1950 .....	150,000
San Marcos Housing Authority, 1201 Thorpe Lane, San Marcos, TX 78666 .....	123,108
San Antonio Housing Authority, P.O. Drawer 1300, San Antonio, TX 78295-1300 .....	1,981,750
Austin Housing Authority, P.O. Box 6159, Austin, TX 78762-6159 .....	482,000
Edinburg Housing Authority, P.O. Box 295, Edinburg, TX 78540-0295 .....	234,500
La Joya Housing Authority, P.O. Box 1409, La Joya, TX 78560-1409 .....	50,000
City of Des Moines Housing Services Department, 1101 Crocker Street, Des Moines, IA 50309-1110 .....	256,500
North Iowa Regional Housing Authority, 217 Second St., SW, Mason City, IA 50401 .....	60,500
Lawrence Housing Authority, 1600 Haskell Avenue, Lawrence, KS 66044 .....	171,500
Kansas City, Kansas Housing Authority, 1124 North Ninth St., Kansas City, KS 66101-2197 .....	520,800
Atchison Housing Authority, 7th & Mall Towers, Atchison, KS 66002-2882 .....	95,000
Springfield Housing Authority, 421 W. Madison St., Springfield, MO 65806-2931 .....	245,836

APPENDIX A.—FISCAL YEAR 1995 PUBLIC AND INDIAN HOUSING RECIPIENTS OF FINAL FUNDING DECISIONS—Continued  
 [Program Name: Public and Indian Housing Drug Elimination Program (PHDEP); Statute: Public Law 100–690, November 18, 1988]

Funding recipient (Name and address)	Amount approved
St. Joseph Housing Authority, P.O. Box 1153, St. Joseph, MO 64502 .....	75,000
Richland Housing Authority, P.O. Box 714, Richland, MO 65556–0037 .....	50,000
Housing Authority of the City of Columbia, 301 N. Providence Rd, Columbia, MO 65203–4091 .....	250,000
Saint Louis Housing Authority, 4100 Lindell Blvd, St. Louis, MO 63108–2999 .....	1,594,750
Housing Authority of Saint Louis County, 8865 Natural Bridge, St. Louis, MO 63121–0580 .....	250,000
Housing Authority of the City of Macon, 218 Lakeview Towers, Macon, MO 63552–9801 .....	52,500
Housing Authority of the City of Fulton, 350 Sycamore St., Fulton, MO 65251–0814 .....	100,000
Housing Authority of the City of Kinloch, 5662 Martin Luther, Kinloch, MO 63140–1597 .....	102,000
Housing Authority of the City of Moberly, P.O. Box 159, Moberly, MO 65270–0159 .....	123,500
Housing Authority of the City of Charleston, P.O. Box 67, Charleston, MO 63834–0067 .....	140,000
Housing Authority of the City of Jefferson, P.O. Box 1029, Jefferson City, MO 65101–1029 .....	177,500
Housing Authority of the City of Hannibal, P.O. Box 996, Hannibal, MO 63401–0996 .....	128,000
Omaha Housing Authority, 540 South 27th St., Omaha, NE 68105–1521 .....	773,500
Housing Authority of the City and County of Denver, Bx 40305, Mile High, Denver, CO 80204 .....	911,750
Housing Authority of Billings, 2415 1st Ave., North, Billings, MT 59101 .....	101,735
Crow Tribal Indian Housing Authority, P.O. Box 99, Crow Agency, MT 59022 .....	204,500
Fort Peck Indian Housing Authority, P.O. Box 667, Poplar, MT 59255 .....	289,500
Fort Berthold Indian Housing Authority, P.O. Box 310, New Town, ND 58763 .....	250,000
Turtle Mountain Indian Housing Authority, P.O. Box 620, Belcourt, ND 58316 .....	354,600
Sisseton-Wahpeton Indian Housing Authority, P.O. Box 687, Sisseton, SD 57262 .....	250,000
Rosebud Indian Housing Authority, P.O. Box 69, Rosebud, SD 57570 .....	300,000
Housing Authority of the County of Salt Lake, 3593 South Main St., Salt Lake City, UT 84115 .....	181,200
Housing Authority of Salt Lake City, 1776 S. West Temple, Salt Lake City, UT 84115 .....	250,000
Phoenix Housing Department, 830 E. Jefferson St, Phoenix, AZ 85034–2298 .....	636,250
City of Tucson Community Services Department, P.O. Box 27210, Tucson, AZ 85726–7210 .....	374,892
Housing Authority of the City of Yuma, 1350 W. Colorado St., Yuma, AZ 85364–1336 .....	92,500
Pinal County Division of Housing, 970 N. 11 Mile Cr. Rd, Casa Grande, AZ 85222–9621 .....	84,981
Chandler Housing and Redevelopment Division, 99 N. Delaware St, Chandler, AZ 85225–5577 .....	150,000
Williams Housing Authority, 113 S. First St., Williams, AZ 86046–2599 .....	15,000
Maricopa County Housing Department, Phoenix Corp. Center, Phoenix, AZ 85012–6596 .....	248,000
Navajo Housing Authority, P.O. Box 4980, Window Rock, AZ 86515 .....	1,056,450
Gila River Housing Authority, P.O. Box 528, Sacaton, AZ 85247 .....	264,250
Colorado River Housing Authority, P.O. Box AW, Parker, AZ 85344 .....	61,990
Sacramento City Housing & Redevelopment Agency, P.O. Box 1834, Sacramento, CA 95812–1834 .....	420,500
Housing Authority of the County of San Joaquin, P.O. Box 447, Stockton, CA 95201 .....	322,500
Community Development Commission, County of L. A., 2 Coral Circle, Monterey Park, CA 91755 .....	711,500
Housing Authority of the City of Los Angeles, 2600 Wilshire Blvd, Los Angeles, CA 90057 .....	2,180,500
Housing Authority of the County of Kern, 525 Roberts Lane, Bakersfield, CA 93308–4799 .....	298,800
Housing Authority of the County of San Bernardino, 1053 N. "D" Street, San Bernardino, CA 92410–3854 .....	432,718
Housing Authority of the City of Oxnard, 1500 Colonia Road, Oxnard, CA 93030–3714 .....	250,000
Housing Authority of the City of Calexico, 1006 East Fifth St., Calexico, CA 92231 .....	151,000
Imperial Valley Housing Authority, 1401 "D" Street, Brawley, CA 92227 .....	245,000
San Diego Housing Commission, 1625 Newton, San Diego, CA 92113 .....	375,000
Area Housing Authority of Ventura County, 99 S. Glenn Drive, Camarillo, CA 93010 .....	151,500
Housing Authority of the City of Santa Barbara, 808 Laguna Street, Santa Barbara, CA 93101–1590 .....	240,500
Housing Authority of the County of Marin, P.O. Box 4282, San Rafael, CA 94913–4282 .....	89,845
Housing Authority of the County of Santa Cruz, 2160 41st Avenue, Capitola, CA 95010–2060 .....	50,000
Housing Authority of the City of Eureka, 735 W. Everding St., Eureka, CA 95503 .....	58,936
Oakland Housing Authority, 1619 Harrison St., Oakland, CA 94612 .....	824,987
Housing Authority of the City of Madera, 205 N. "G" Street, Madera, CA 93637 .....	106,000
City & County of San Francisco Housing Authority, 440 Turk Street, San Francisco, CA 94102 .....	1,669,250
Housing Authority of the County of Merced, 405 U Street, Merced, CA 95340 .....	250,000
Housing Authority of the City of Fresno, P.O. Box 11985, Fresno, CA 93721 .....	344,100
Housing Authority of the County of Fresno, P.O. Box 11985, Fresno, CA 93721 .....	297,900
Housing Authority of the County of Monterey, 123 Rico Street, Salinas, CA 93907 .....	238,373
Housing Authority of the County of Stanislaus, 1701 Robertson Road, Modesto, CA 95352–3958 .....	249,992
Housing Authority of the County of Contra Costa, P.O. Box 2759, Martinez, CA 94553 .....	299,977
State of Hawaii Housing Authority, P.O. Box 17907, Honolulu, HI 96817 .....	1,266,750
All Indian Pueblo Housing Authority, P.O. Box 35040, Station D, Albuquerque, NM 87176 .....	250,000
Housing Authority of the County of Clark, 5390 East Flamingo Road, Las Vegas, NV 89122–5308 .....	250,000
Housing Authority of the City of North Las Vegas, 1632 Yale Street, North Las Vegas, NV 89030–6962 .....	120,000
Housing Authority of the City of Reno, 1525 East Ninth Street, Reno, NV 89512–3012 .....	250,000
Housing Authority of the City of Las Vegas, 333 N. Rancho, Las Vegas, NV 89106–3714 .....	643,500
Tlingit-Haida Reg Housing Authority, P.O. Box 32237, Juneau, AK 99803 .....	99,603
Aleutian Housing Authority, 401 East Fireweed Lane, Anchorage, AK 99503 .....	119,169
Bristol Bay Housing Authority, P.O. Box 50, Dillingham, AK 99576 .....	181,000
North Pacific Rim Housing Authority, 4201 Tudor Centre Dr., St, Anchorage, AK 99508 .....	64,200
Cook Inlet Housing Authority, 2600 Cordova St., Suite 2, Anchorage, AK 99503 .....	212,823
HA and Community Services Agency of Lane County, 177 Day Island Road, Eugene, OR 97401 .....	250,000
Housing Authority of Portland, 135 SW Ash, Portland, OR 97204 .....	676,250

APPENDIX A.—FISCAL YEAR 1995 PUBLIC AND INDIAN HOUSING RECIPIENTS OF FINAL FUNDING DECISIONS—Continued  
 [Program Name: Public and Indian Housing Drug Elimination Program (PHDEP); Statute: Public Law 100-690, November 18, 1988]

Funding recipient (Name and address)	Amount approved
Housing Authority of the City of Salem, P.O. Box 808, Salem, OR 97308-0808 .....	131,519
Housing Authority of the County of Clackamas, 13930 South Gain Street, Oregon City, OR 97045 .....	249,375
Umatilla Tribe Indian Housing Authority, P.O. Box 1658, Pendleton, OR 97801 .....	117,000
Housing Authority of the City of Vancouver, 500 Omaha Way, Vancouver, WA 98661 .....	250,000
King County Housing Authority, 15455 65th, So., Seattle, WA 98188-2583 .....	784,250
Kitsap County Consolidated Housing Authority, 9265 Bayshore Dr, NW, Silverdale, WA 98383-9106 .....	63,000
Housing Authority of Snohomish County, 3425 Broadway, Everett, WA 98201-5023 .....	97,500
Housing Authority of the City of Seattle, 120 Sixth Ave., N., Seattle, WA 98109-5002 .....	1,629,750
HA of the City of Pasco and Franklin County, 820 N. First Ave., Pasco, WA 99301-0687 .....	139,500
Housing Authority of the City of Tacoma, 902 South L Street, Tacoma, WA 98405 .....	375,000
Spokane Housing Authority, W 55 Mission St, #104, Spokane, WA 99201-2398 .....	40,975
Spokane Indian Housing Authority, P.O. 195, Wellpinit, WA 99040 .....	130,500
Southern Puget Sound Indian Housing Authority, S.E. 11 Squaxin Drive, Shelton, WA 98584 .....	152,308
Makah Tribe Indian Housing Authority, P.O. Box 88, Neah Bay, WA 98357 .....	91,500
Total Number of Grant Awards .....	526
Total Dollars Awarded .....	250,335,189

[FR Doc. 96-2376 Filed 2-5-96; 8:45 am]

BILLING CODE 4210-33-P

[Docket Nos. FR-3849-N-05; FR-3713-03; FR-3736-N-03]

**Announcement of Funding Awards, Rental Voucher Program and Rental Certificate Program—Fiscal Year 1995; Family Unification Program and Family Self-Sufficiency Service Coordinators Program—Fiscal Year 1994**

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Announcement of funding awards.

**SUMMARY:** In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Years (FY) 1994 and 1995 to housing agencies (HAs) under the Section 8 rental voucher and rental certificate programs; family unification program; and the family self-sufficiency (FSS) program. The purpose of this Notice is to publish the names and addresses of the award winners and the amount of the awards made available by HUD to provide assistance to very low-income families.

**FOR FURTHER INFORMATION CONTACT:** Gerald J. Benoit, Director, Operations Division, Office of Rental Assistance, Office of Public and Indian Housing, Room 4220, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410-8000, telephone (202) 708-0477. Hearing- or speech-impaired individuals may call

HUD's TDD number (202) 708-4594. (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The regulations governing the Rental Certificate and the Rental Voucher Programs are published at 24 CFR parts 882 and 887, respectively, and 24 CFR Part 982. The regulations for allocating housing assistance budget authority under section 213(d) of the Housing and Community Development Act of 1974 are published at 24 CFR part 791, subpart D.

The Family Unification Program is authorized by section 8(x) of the U.S. Housing Act of 1937, as added by section 553 of the National Affordable Housing Act (Pub. L. 101-625, approved November 28, 1990); and the VA, HUD-Independent Agencies Appropriations Act of 1994 (Pub. L. 103-124, approved October 28, 1993). The Family Self-Sufficiency Program is authorized by the HUD-Independent Appropriations Act (Pub. L. 103-124, approved October 28, 1993) and by section 23(h) of the U.S. Housing Act of 1937.

The purpose of the rental voucher and rental certificate programs is to assist eligible families to pay the rent for decent, safe, and sanitary housing. The FY 1995 awards announced in this notice were selected for funding consistent with the provisions in the Notices of Funding Availability (NOFAs) published in the Federal Register on March 3, 1995 (60 FR 12036) and September 29, 1995 (60 FR 50672).

The March 3, 1995 NOFA invited HAS to apply for funds available under the Section 8 rental certificate and rental voucher subprograms. However, in July

of 1995, Congress rescinded approximately \$1.7 billion of funding it appropriated for the Section 8 programs. Subsequently, on September 29, 1995, the Department of Housing and Urban Development (HUD) published a revision to the NOFA which was published in the Federal Register on March 3, 1995, to notify HAS of the changes in the NOFA as a result of the rescission.

The Family Unification Program was established to provide housing assistance to families for whom the lack of adequate housing is the primary factor in the separation, or imminent separation, of children from their families. The funding for FSS service coordinators allows housing agencies to employ a coordinator to work with the Program Coordinating Committee and with local service providers to assure that program participants are linked to the supportive services they need to achieve self-sufficiency. The FY 1994 awards were selected for funding consistent with the August 29, 1994 NOFA (59 FR 44542) for the family unification program and the August 29, 1994 NOFA (59 FR 44550) for the FSS service coordinators.

A total of \$930,601,970 of budget authority for rental vouchers and rental certificates (31,710 units) was awarded to recipients. A total of \$136,308,560 was awarded in FY 1995 to housing agencies for the family unification program, of which approximately \$63.6 million was carried over from FY 1994. A total of \$17,195,718 was awarded in FY 1995 to housing agencies for the FSS coordinators program, of which approximately \$8.5 million was carried over from FY 1994.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235,

approved December 15, 1989), the Department is publishing the names, addresses, and amounts of those awards as shown on the attachment.

Dated: January 26, 1996.  
Michael B. Janis,  
*General Deputy Assistant Secretary.*

## APPENDIX A

Name of agency	Address	No. of units	Budget authority
<b>AMENDMENTS—CERTIFICATE PROGRAM</b>			
MUNICIPALITY OF AGUADILLA .....	PO BOX 1008, VS, AGUADILLA, PR 006050000 .....	178	\$375,000
MUNICIPALITY OF ADJUNTAS .....	Calle Rius Rivera-Esquina San, ADJUNTAS, PR 006010000, JOAQUIN, PO BOX 1009.	46	100,426
COUNTY OF CONTRA COSTA HSG AUTH .....	3133 ESTUDILLO ST, MARTINEZ, CA 945530000, PO BOX 2759.	0	7,974,836
CITY OF VALLEJO .....	VALLEJO, CA 945900000, 555 SANTA CLARA STREET	0	3,682,461
SUISUN CITY HOUSING AUTHORITY .....	701 CIVIC CENTER BLVD, SUISUN CITY, CA 945850 ..	0	1,452,603
HSG AUTH OF THE CITY OF LIVERMORE .....	3203 LEAHY WAY, LIVERMORE, CA 94550000 .....	0	1,563,620
CITY OF TORRANCE .....	3031 TORRANCE BLVD., TORRANCE, CA 905030000 .	0	1,423,970
DOVER HOUSING AUTHORITY .....	1266-76 WHITE OAK ROAD, DOVER, DE 199010000 ..	0	921,000
NEWARK HOUSING AUTHORITY .....	313 E. MAIN STREET, NEWARK, DE 197110000 .....	0	600,000
NEW CASTLE COUNTY .....	800 FRENCH STREET, WILMINGTON, DE 1980100 .....	0	2,700,000
HA FORT PIERCE .....	707 NORTH 7TH ST, FORT PIERCE, FL 334500 .....	0	1,489,244
WALTON CO BD OF CO COMM .....	PO BOX 1258, DE FUNIAK SPRINGS, FL .....	0	423,992
LAKE CO BD OF CO COMM .....	315 WEST MAIN STREET, TAVARES, FL 327780000 ...	0	71,120
GUAM HSG AND URBAN RENEWAL AUTH .....	PO BOX CS, AGANA, GU 969100000 .....	0	2,133,178
COUNTY OF KAUAI .....	LIHUE, HI 967660000, PUBLIC HSG AGENCY .....	0	6,209,754
LAKE COUNTY HA .....	33928 N ROUTE 45, GRAYSLAKE, IL 60030000 .....	0	5,622,630
EAST PEORIA HOUSING AUTHORITY .....	100 S. MAIN STREET, EAST PEORIA, IL 616110 .....	0	211,557
CITY OF INDIANAPOLIS .....	FIVE INDIANA SQ., SECOND FLOOR, INDIANAPOLIS, IN 46204.	0	15,210,324
LAWRENCE HOUSING AUTHORITY .....	1600 HASKELL AVENUE, LAWRENCE, KS 660440000 .	0	200,000
LAWRENCE HOUSING AUTHORITY .....	353 ELM STREET, LAWRENCE, MA 018420000 .....	0	100,000
BROOKLINE HOUSING AUTHORITY .....	90 LONGWOOD AVE, BROOKLINE, MA 02146000 .....	0	409,000
WINCHENDON HOUSING AUTHORITY .....	108 IPSWICH DRIVE, WINCHENDON, MA 0147500 .....	0	50,000
BEVERLY HOUSING AUTHORITY .....	PO BOX 503, BEVERLY, MA 019150000 .....	0	386,000
ABINGTON HSG AUTHORITY .....	71 SHAW AVE, ABINGTON, MA 023510000 .....	0	24,000
DANVERS HOUSING AUTHORITY .....	14 STONE STREET, DANVERS, MA 019230000 .....	0	116,000
EASTON HOUSING AUTHORITY .....	PARKER TERRACE, NORTH EASTON, MA 02356 .....	0	173,000
BRIDGEWATER HOUSING AUTHORITY .....	HEMLOCK DRIVE, BRIDGEWATER, MA 023240 .....	0	45,000
GROVELAND HOUSING AUTHORITY .....	RIVER PINES, GROVELAND, MA 01834000 .....	0	10,000
NORTH ATTLEBOROUGH HSG AUTHORITY, .....	PO BOX 668, NORTH ATTLEBOROUGH, MA .....	0	118,000
COMM DEV PROG COMM OF MA., E.O.C.D. ....	100 CAMBRIDGE ST, BOSTON, MA 022020000 .....	0	12,000,000
KANSAS CITY HOUSING AUTHORITY .....	299 PASEO, KANSAS CITY, MO 641060 .....	0	2,800,000
KANSAS CITY HOUSING AUTHORITY .....	299 PASEO, KANSAS CITY, MO 641060 .....	0	4,800,000
ASBURY PARK HA .....	1004 COMSTOCK ST., ASBURY PARK, NJ 077120 .....	0	50,000
PASSAIC HA .....	333 PASSAIC STREET, PASSAIC, NJ 070550000 .....	0	250,000
ATLANTIC CITY HA .....	227 NO VERMONT AVENUE, ATLANTIC CITY, NJ 0840	0	180,000
WEST NEW YORK HA .....	6100 ADAMS STREET, WEST NEW YORK, NJ 0709 .....	0	20,000
GUTTENBERG HA .....	6900 BROADWAY, GUTTENBERG, NJ 0709300 .....	0	75,000
IRVINGTON HA .....	624 NYE AVENUE, IRVINGTON, NJ 07111000 .....	0	142,000
LAKEWOOD HA .....	PO BOX 1543, LAKEWOOD, NJ 087010000 .....	0	360,000
BRICK HA .....	165 CHAMBERS BRIDGE ROAD, BRICK, NJ 087230000.	0	50,000
BERGEN COUNTY HA .....	21 MAIN STREET, ROOM 307W, HACKENSACK, NJ 0760100.	0	3,100,000
FREEHOLD HA .....	107 THROCKMORTON STREET, FREEHOLD, NJ 077280000.	0	40,000
MONMOUTH COUNTY HA .....	PO BOX 3000, FREEHOLD, NJ 077280000 .....	0	941,000
SOMERVILLE HA .....	25 WEST END AVE., PO BOX 399, SOMERVILLE, NJ 0887600.	0	50,000
HA OF MADISON .....	PO BOX 495, MADISON, NJ 079400000 .....	0	350,000
COUNTY OF BURLINGTON .....	49 RANCOAS ROAD, MT HOLLY, NJ 080600000 .....	0	100,000
N.J. HSG. AND MORTGAGE FINANCE AGCY .....	3625 QUAKERBRIDGE ROAD, TRENTON, NJ 086502085, CN 18550.	0	100,000
HA OF FREEPORT .....	3 BUFFALO AVENUE, FREEPORT, NY 115200000 .....	0	333,000
POUGHKEEPSIE HOUSING AUTHORITY .....	4 CHARLES ST. CT., POUGHKEEPSIE, NY 12601 .....	0	300,000
HEMPSTEAD HOUSING AUTHORITY .....	260 CLINTON STREET, HEMPSTEAD, NY 11550000 ....	0	200,000
GLEN COVE CDA .....	128 GLEN STREET, GLEN COVE, NY 11542000 .....	0	1,860,000
KINGSTON COMMUNITY DEVELOPMENT AGEN .....	97 BROADWAY, KINGSTON, NY 124010000 .....	0	711,902
KINGSTON COMMUNITY DEVELOPMENT AGEN .....	97 BROADWAY, KINGSTON, NY 124010000 .....	0	711,902
VILLAGE OF SYLVAN BEACH .....	C/O ONEIDA COUNTY COMMUNITY AC, ROME, NY 134400000.	0	18,000

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
TOWN OF NEW HARTFORD .....	C/O ONEIDA COUNTY COMMUNITY AC, 207 NORTH JAMES STREET, ROME, NY 134400000.	0	98,000
VILLAGE OF COBLESKILL .....	PO BOX 169, COBLESKILL, NY 1204300 .....	0	190,000
COLUMBUS METRO. HA .....	960 EAST FIFTH AVE., COLUMBUS, OH 432010000 .....	0	698,585
TUSCARAWAS MHA .....	125 EAST HIGH, NEW PHILADELPHIA, OH 4 .....	0	476,077
READING HOUSING AUTHORITY .....	400 HANCOCK BOULEVARD, READING, PA 196110000.	0	450,803
MONROE COUNTY HOUSING AUTHORITY .....	1055 WEST MAIN STREET, STROUDSBURG, PA 183600.	0	510,000
POTTSVILLE HOUSING AUTHORITY .....	410 LAUREL BLVD., POTTSVILLE, PA 1790100 .....	0	409,860
PITTSTON HOUSING AUTHORITY .....	500 KENNEDY BOULEVARD, PITTSTON, PA 186400000.	0	375,240
BUCKS COUNTY HOUSING AUTHORITY .....	POST OFFICE BOX 1329, DOLYESTOWN, PA 1890109, 350 SOUTH MAIN STREET.	0	4,801,332
LEHIGH COUNTY HOUSING AUTHORITY .....	333 RIDGE STREET, EMMAUS, PA 180490000 .....	0	1,073,334
WOONSOCKET H A .....	679 SOCIAL ST, WOONSOCKET, RI 0289500 .....	0	336,740
CRANSTON H A .....	50 BIRCH ST, CRANSTON, RI 029200000 .....	0	354,067
TOWN OF WESTERLY H A .....	5 CHESTNUT ST, WESTERLY TOWN, RI 0289 .....	0	32,068
COVENTRY HOUSING AUTHORITY .....	14 MANCHESTER CIRCLE, COVENTRY, RI 028160000	0	191,655
EAST GREENWICH H A .....	146 FIRST AVE, EAST GREENWICH, RI 028 .....	0	1,147,034
TEXOMA COUNCIL OF GOVERNMENTS .....	10000 GRAYSON DRIVE, DENISON, TX 750208399 .....	0	750,000
HARTFORD HOUSING AUTHORITY .....	15 BRIDGE STREET, WHITE RIVER, JUNCTIO, VT .....	0	213,000

## REPLACEMENTS, RELOCATIONS, OPT-OUTS—CERTIFICATE PROGRAM

HA BESSEMER .....	1100 5TH AVENUE NORTH, BESSEMER, AL 350200000.	65	\$914,160
LITTLE ROCK HOUSING AUTHORITY .....	1000 WOLFE STREET, LITTLE ROCK, AR 722020000 ..	180	2,256,732
SAN FRANCISCO HSG AUTH .....	440 TURK STREET, SAN FRANCISCO, CA 94102 .....	177	3,663,830
HARTFORD HOUSING AUTHORITY .....	475 FLATBUSH AVENUE, HARTFORD, CT 061060000 .	103	1,617,746
HARTFORD HOUSING AUTHORITY .....	475 FLATBUSH AVENUE, HARTFORD, CT 061060000 .	232	3,914,038
DANBURY HOUSING AUTHORITY .....	2 MILL RIDGE ROAD, PO BOX 86, DANBURY, CT 068100000.	12	313,008
WEST HARTFORD HOUSING AUTHORITY .....	759 FARMINGTON AVE, WEST HARTFORD, CT 061190000.	8	474,800
D.C. HOUSING AUTHORITY .....	1133 NORTH CAPITOL STREET NE, WASHINGTON, DC 200027599.	214	4,475,922
CITY OF JACKSONVILLE .....	220 EAST BAY STREET, JACKSONVILLE, FL 322020000.	73	868,558
CITY OF JACKSONVILLE .....	220 EAST BAY STREET, JACKSONVILLE, FL 322020000.	29	363,488
ST. PETERSBURG H/A .....	PO BOX 12849, ST. PETERSBURG, FL 337332849 .....	108	1,209,094
METROPOLITAN DADE COUNTY .....	111 N.W. FIRST ST., 26TH FLOOR, MIAMI, FL 331281980.	240	4,320,504
HA ATLANTA GA .....	739 WEST PEACHTREE STREET NE, ATLANTA, GA 303650000.	60	1,129,540
GEORGIA RESIDENTIAL FINANCE AUTH .....	60 EXECUTIVE PKWY SOUTH, ATLANTA, GA 30329000, SUITE 250.	12	111,588
DES MOINES MUNICIPAL HOUSING AGENCY .....	1101 CROCKER, DES MOINES, IA 503090000 .....	32	503,968
CHICAGO HOUSING AUTHORITY .....	626 W. JACKSON BLVD, CHICAGO, IL 606020000 .....	500	10,264,800
HOUSING AUTHORITY OF LOUISVILLE .....	420 S. 8TH ST., LOUISVILLE, KY 40203 .....	265	2,664,710
NEW ORLEANS HOUSING AUTHORITY .....	918 CARONDELET STREET, NEW ORLEANS, LA 701300000.	660	9,978,336
BOSTON HOUSING AUTHORITY .....	52 CHAUNCEY STREET, BOSTON, MA 021110000 .....	228	2,587,524
FALL RIVER HSG AUTHORITY .....	85 MORGAN ST., FALL RIVER, MA 027210000, PO BOX 989.	78	1,004,738
GLOUCESTER HOUSING AUTHORITY .....	PO BOX 1599, GLOUCESTER, MA 0193111599 .....	14	230,874
HOUSING AUTHORITY OF BALTIMORE CITY .....	417 E FAYETTE STREET, BALTIMORE, MD 212020000	108	2,643,336
HOUSING AUTHORITY OF BALTIMORE CITY .....	417 E FAYETTE STREET, BALTIMORE, MD 212020000	385	9,409,176
HOUSING AUTHORITY OF BALTIMORE CITY .....	417 E FAYETTE STREET, BALTIMORE, MD 212020000	1345	28,664,840
SAGINAW HSG COMM. ....	2811 DAVENPORT, BOX A, SAGINAW, MI 486020000 .	185	1,492,770
CITY OF MUSKEGON .....	933 TERRACE STREET, MUSKEGON, MI 494430000, PO BOX 536.	50	484,820
MINNEAPOLIS PHA .....	1001 WASHINGTON AVE., NORTH, MINNEAPOLIS, MN 554011043.	200	16,104,400
ST. LOUIS HOUSING AUTHORITY .....	4100 LINDELL BLVD., ST. LOUIS, MO 631080000 .....	45	551,478
KANSAS CITY HOUSING AUTHORITY: .....	299 PASEO, KANSAS CITY, MO 641060000 .....	200	2,499,930
HA WILMINGTON .....	PO BOX 899, WILMINGTON, NC 284020000 .....	151	1,870,158
OMAHA HOUSING AUTHORITY .....	540 SOUTH 27TH STREET, OMAHA, NE 681051521 ....	112	2,350,152
NEWARK HA .....	57 SUSSEX AVENUE, NEWARK, NJ 071030000 .....	288	5,219,984
CAMDEN HA .....	400 US HIGHWAY #1, JERSEY CITY, NJ 073060000 ....	43	846,954

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
CITY OF NEW YORK .....	100 GOLD STREET, ROOM 803, NEW YORK, NY 100380000.	300	3,878,100
CITY OF NIAGARA FALLS .....	CITY HALL 745 MAIN STREET, NIAGARA FALLS, NY 143020000.	25	750,750
PHILADELPHIA HOUSING AUTHORITY .....	2012-18 CHESTNUT STREET, PHILADELPHIA, PA 191030000.	331	6,405,338
PHILADELPHIA HOUSING AUTHORITY .....	2012-18 CHESTNUT STREET, PHILADELPHIA PA 191030000.	250	3,889,200
CHESTER HOUSING AUTHORITY .....	6 W. 6TH STREET, PO BOX 380, CHESTER, PA 190160000.	96	2,001,786
MONTGOMERY COUNTY HOUSING AUTHORITY .....	1875 NEW HOPE STREET, NORRISTOWN, PA 194013146.	18	280,512
PROVIDENCE HA .....	100 BROAD ST., PROVIDENCE, RI 029030000 .....	1	44,455
PUERTO RICO DEPT OF HOUSING .....	606 BARBOSA AVENUE, RIO PIEDRAS, PR 00928, PO BOX 21365.	192	2,286,600
HAMPTON REDEVELOPMENT & HSG AUTH .....	PO BOX 280, HAMPTON, VA 236690000 .....	420	5,255,562
PIERCE COUNTY HA .....	PO BOX 45410, TACOMA, WA 984450410 .....	25	459,600
NORWICH HOUSING AUTHORITY .....	10 WESTWOOD PARK, NORWICH, CT 063600000 .....	0	960,120
PROVIDENCE HA .....	100 BROAD ST, PROVIDENCE, RI 0290300 .....	0	103,680
PROVIDENCE HA .....	100 BROAD ST, PROVIDENCE, RI 0290300 .....	0	347,215
PETERSBURG REDEVELOPMENT & H/A .....	128 S. SYCAMORE STREET, PETERSBURG, VA 2380400.	0	1,764,815

## OPT-OUTS TENANT/BASED—CERTIFICATE PROGRAM

CITY OF HARTFORD .....	500 MAIN ST., HARTFORD, CT 061030000 .....	35	1,273,665
CITY OF INDIANAPOLIS .....	FIVE INDIANA SQ., SECOND FLOOR, INDIANAPO LIS, IN 46204.	285	5,001,642
CINCINNATI METROPO LITAN HSG. AUTH. ....	16 WEST CENTRAL PARKWAY, CINCINNATI, OH 452100000.	40	855,288
OKLAHOMA HOUSING FINANCE AGENCY .....	PO BOX 26720, OKLAHOMA CITY, OK 731260720 .....	38	1,105,800

## SECTION 8 COUNSELING—VOUCHER PROGRAM

TYLER (CITY OF) .....	PO BOX 2039, TYLER, TX 757100000 .....	0	3,500,000
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## FAMILY UNIFICATION—CERTIFICATE PROGRAM

OAKLAND HOUSING AUTHORITY .....	1619 HARRISON ST., OAKLAND, CA 946120000 .....	50	3,193,995
COUNTY OF MONTEREY HSG AUTH .....	123 RICO STREET, SALINAS, CA 939070000 .....	25	1,354,445
SANTA CLARA COUNTY HSG AUTH .....	505 WEST JULIAN STREET, SAN JOSE, CA 951100000.	50	3,639,900
CITY OF SANTA ANA HSG AUTH .....	20 CIVIC CENTER PLAZA, SANTA ANA, CA 927010000	10	654,690
HIALEAH H/A .....	70 EAST 7TH STREET, HIALEAH, FL 330100000 .....	50	2,910,600
CITY OF PENSACOLA .....	180 GOVERNMENTAL CENTER, PENSACOLA, FL 325010000.	50	1,450,550
H/A DEKALB COUNTY .....	PO BOX 1627, DECATUR, GA 300310000 .....	50	2,676,000
H/A DEKALB COUNTY .....	PO BOX 1627, DECATUR, GA 300310000 .....	50	2,676,000
EAST ST LOUIS HA .....	683 N 20TH STREET, EAST ST LOUIS, IL 622050000 ..	50	1,913,100
CHAMPAIGN HA .....	PO BOX 183, URBANA, IL 618010000 .....	25	984,630
HOUSING AUTHORITY OF THE COUNTY OF COOK .....	CHICAGO, IL 606050000, 59 E VAN BUREN SUITE 1802.	31	1,568,040
HA WAUKEGAN .....	200 SOUTH UTICA STREET, WAUKEGAN, IL 600850000.	50	2,669,400
BOSTON HOUSING AUTHORITY .....	52 CHAUNCEY STREET, BOSTON, MA 021110000 .....	50	2,554,500
COMM DEV PROG COMM OF MA., E.O.C.D. ....	100 CAMBRIDGE ST, BOSTON, MA 022020000 .....	50	2,827,675
HNG AUTH PRINCE GEORGES CO .....	9400 PEPPERCORN PLACE, LANDOVER, MD 207850000.	50	3,154,680
BALTIMORE COUNTY, MD .....	400 WASHINGTON AVENUE, TOWSON, MD 212040000.	50	1,748,295
SAGINAW HSG COMM. ....	2811 DAVENPO RT, BOX A, SAGINAW, MI 486020000	30	923,370
COUNTY OF KENT .....	4326 CASCADE ROAD, SE, GRAND RAPIDS, MI 495460000.	50	1,542,710
COUNTY OF KENT .....	4326 CASCADE ROAD, SE, GRAND RAPIDS, MI 495460000.	50	1,810,920
MICHIGAN STATE HOUSING DEVELOPMENT AU- THORITY.	LANSING, MI 489090000, 401 S WASHINGTON SQUARE.	20	501,700
MICHIGAN STATE HOUSING DEVELOPMENT AU- THORITY.	LANSING, MI 489090000, 401 S WASHINGTON SQUARE.	30	1,021,200
ST PAUL PHA .....	480 CEDAR STREET, ST. PAUL, MN 551012240, SUITE 600.	50	2,112,000

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
OLMSTED COUNTY HRA .....	2116 CAMPUS DRIVE SE, ROCHESTER, MN 559044744..	15	470,400
METROPOLITAN COUNCIL .....	MEARS PARK CENTRE, ST. PAUL, MN 551012016 230 E. FIFTH STREET..	50	2,811,240
KANSAS CITY HOUSING AUTHORITY .....	299 PASEO, KANSAS CITY, MO 641060000 .....	50	2,118,000
ST LOUIS COUNTY HOUSING AUTHORITY .....	8885 NATURAL BRIDGE, ST. LOUIS, MO 631210000 ...	50	2,002,500
LINCOLN COUNTY PUB HSG AGENCY .....	LINCOLN COUNTY PHAS, BOWLING GREEN, MO 63340000.	49	805,615
HA CHARLOTTE .....	16 NORTH COURT, PO BOX 36795, CHARLOTTE, NC 282360000.	50	1,860,100
HA HIGH POINT .....	PO BOX 1779, HIGH POINT, NC 272610000 .....	50	1,424,410
HA ROWAN COUNTY .....	121 WEST COUNCIL, SALISBURY, NC 281444347, SUITE 103..	50	1,885,200
DOP CONSOLIDATED HUMAN SVC AGCY .....	PO DRAWER 796, JACKSONVILLE, NC 285410796 .....	50	1,623,300
TWIN RIVERS OPPORTUNITIES INC .....	PO BOX 1482, NEW NERN, NC 285630000 .....	50	1,337,750
MOUNTAIN PROJECTS, INC .....	RT. 1, BOX 732, WAYNESVILLE, NC 287860000 .....	50	1,344,300
WESTERN PIEDMONT COUNCIL OF GOVT .....	317 FIRST AVE NW, HICKORY, NC 286010000 .....	50	1,424,275
MACON PROGRAM FOR PROGRESS .....	PO BOX 700, FRANKLIN, NC 287340000, 38 1/2 E MAIN STREET.	25	628,860
HA NORTHWESTERN REGIONAL .....	PO BOX 2510, BOONE, NC 286072510 .....	50	971,130
JERSEY CITY HA .....	400 US HIGHWAY #1, JERSEY CITY, NJ 073060000 ....	50	3,095,250
STATE OF NJ DEPT. OF COMM. AFFAIRS .....	101 S. BROAD STREET CN800, TRENTON, NJ 086250800.	50	2,594,190
NEW YORK CITY HOUSING AUTHORITY .....	250 BROADWAY, NEW YORK, NY 100070000 .....	50	2,838,000
TOWN OF AMHERST .....	5583 MAIN ST., WILLIAMSVILLE, NY 142210000 .....	50	1,600,800
NEW YORK STATE HSG. FIN. AGENCY .....	ONE FORDHAM PLAZA, BRONX, NY 104580000 .....	14	425,285
NEW YORK STATE HSG. FIN. AGENCY .....	ONE FORDHAM PLAZA, BRONX, NY 104580000 .....	6	383,580
NEW YORK STATE HSG. FIN. AGENCY .....	ONE FORDHAM PLAZA, BRONX, NY 104580000 .....	6	281,565
NEW YORK STATE HSG. FIN. AGENCY .....	ONE FORDHAM PLAZA, BRONX, NY 104580000 .....	6	310,740
NEW YORK STATE HSG. FIN. AGENCY .....	ONE FORDHAM PLAZA, BRONX, NY 104580000 .....	6	250,230
NEW YORK STATE HSG. FIN. AGENCY .....	ONE FORDHAM PLAZA, BRONX, NY 104580000 .....	6	411,900
NEW YORK STATE HSG. FIN. AGENCY .....	ONE FORDHAM PLAZA, BRONX, NY 104580000 .....	6	223,515
YOUNGSTOWN MET.HOUSING AUTHORITY .....	118 EAST WOOD ST., YOUNGSTON, OH 445030000 ...	25	714,770
CINCINNATI METROPOLITAN HSG. AUTH .....	16 WEST CENTRAL PARKWAY, CINCINNATI, OH 452100000.	50	1,766,325
ZANESVILLE MET HA .....	2746 MAPLE AVENUE, ZANESVILLE, OH 437010000 ...	50	1,104,125
CAMBRIDGE METROPOLITAN HGS. AUTH .....	PO BOX 744, CAMBRIDGE, OH 437250744 .....	30	728,275
FAYETTE METRO HSG AUTH .....	101 E. EAST STREET, WASHINGTON C.H., OH 43160	40	924,750
PHILADELPHIA HOUSING AUTHORITY .....	2012-18 CHESTNUT STREET, PHILADELPHIA, PA 191030000.	50	2,644,200
PHILADELPHIA HOUSING AUTHORITY .....	2012-18 CHESTNUT STREET, PHILADELPHIA, PA 191030000.	50	2,637,200
CHESTER HOUSING AUTHORITY .....	6 W. 6TH STREET PO BOX 380, CHESTER, PA 190160000.	30	1,583,650
DELAWARE COUNTY HOUSING AUTHORITY .....	1855 CONSTITUTION AVENUE, WOODLYN, PA 190940000.	25	1,322,100
BUCKS COUNTY HOUSING AUTHORITY .....	POST OFFICE BOX 1329, DOYLESTOWN, PA 189010967.	25	1,133,050
LUZERNE COUNTY HOUSING AUTHORITY .....	350 SOUTH MAIN STREET .....	30	792,075
SAN ANTONIO HOUSING AUTHORITY .....	250 FIRST AVENUE, KINGSTON, PA 187040000 .....	50	1,999,500
BROWNSVILLE HSG AUTHORITY .....	PO DRAWER 1300, SAN ANTONIO, TX 782950000 .....	50	1,836,250
BROWNSVILLE HSG AUTHORITY .....	PO BOX 4420, BROWNSVILLE, TX 785234420 .....	50	1,201,500
DALLAS HOUSING AUTHORITY .....	PO BOX 4420, BROWNSVILLE, TX 785234420 .....	50	2,744,400
LUBBOCK HOUSING AUTHORITY .....	3939 N HAMPTON, DALLAS, TX 752120000 .....	50	1,705,950
MONTGOMERY COUNTY HA .....	PO BOX 2568, LUBBOCK, TX 794080000 .....	27	1,149,660
NEWPORT NEWS REDEVELOPMENT & H/A .....	515 B NORTH MAIN, CONROE, TX 773010000 .....	25	1,126,125
COUNTY OF SAN BERNARDINO HSG AUTH .....	PO BOX 77, NEWPORT NEWS, VA 236070077 .....	50	2,237,850
CITY OF SANTA BARBARA H/A .....	1053 NORTH D STREET, SAN BERNARDINO, CA 924 .	50	2,283,900
COUNTY OF VENTURA AREA HSG AUTH .....	808 LAGUNA ST, SANTA BARBARA, CA 9310 .....	50	2,940,075
COMM DEV PROG COMM OF MA., E.O.C.D .....	99 SOUTH GLENN DRIVE, CAMARILLO, CA 93010000	31	1,489,350
MONTGOMERY CO HOUSING AUTHORITY .....	100 CAMBRIDGE ST, BOSTON, MA 022020000 .....	25	1,650,605
HNG AUTH PRINCE GEORGES CO .....	10400 DETRICK AVENUE, KENSINGTON, MD 2089500	50	3,432,600
BALTIMORE COUNTY, MD .....	9400 PEPPERCORN PLACE, LANDOVER, MD 207850000.	35	1,320,905
NEWARK HA .....	400 WASHINGTON AVENUE, TOWSON, MD 212040000.	50	2,885,075
LAKEWOOD HA .....	57 SUSSEX AVENUE, NEWARK, NJ 071030000 .....	50	3,406,440
STATE OF NJ DEPT. OF COMM. AFFAIRS .....	PO BOX 1543, LAKEWOOD, NJ 087010000 .....	50	2,604,915
NEW YORK CITY HOUSING AUTHORITY .....	101 S. BROAD STREET CN800, TRENTON, NJ 086250800.	50	2,838,000

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
FAIRFAX CO RED AND HNG AUTHORITY .....	3700 PENDER DRIVE, FAIRFAX, VA 220300000 .....	50	2,997,280
VIRGINIA HOUSING DEVELOPMENT AUTH .....	601 S. BELVIDERE STREET, RICHMOND, VA 232250000.	50	2,097,125

## INCREMENTAL—VOUCHER PROGRAM

CHICAGO HOUSING AUTHORITY .....	626 W. JACKSON BLVD, CHICAGO, IL 606020000 .....	1500	33,207,600
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## SECTION 8 COUNSELING—CERTIFICATE PROGRAM

CITY OF LOS ANGELES HSG AUTH .....	2600 WILSHIRE BLVD., LOS ANGELES, CA 900570000	0	70,783
CITY OF LOS ANGELES HSG AUTH .....	2600 WILSHIRE BLVD., LOS ANGELES, CA 900570000	0	250,000
HARTFORD HOUSING AUTHORITY .....	475 FLATBUSH AVENUE, HARTFORD, CT 061060000 .	0	232,000
DC HOUSING AUTHORITY .....	1133 NORTH CAPITOL STREET NE, WASHINGTON, DC 200027599.	0	214,000
CITY OF JACKSONVILLE .....	220 EAST BAY STREET, JACKSONVILLE, FL 322020000.	0	29,000
METROPOLITAN DADE COUNTY .....	111 N.W. FIRST ST., 26TH FLOOR, MIAMI 331281980 .	0	480,000
METROPOLITAN DADE COUNTY .....	111 N.W. FIRST ST., 26TH FLOOR, MIAMI, FL 331281980.	0	2,800,000
HA ATLANTA GA .....	739 WEST PEACHTREE STREET NE, ATLANTA, GA 303650000.	0	500,000
CHICAGO HOUSING AUTHORITY .....	626 W. JACKSON BLVD., CHICAGO, IL 606020000 .....	0	3,000,000
CHICAGO HOUSING AUTHORITY .....	626 W. JACKSON BLVD., CHICAGO, IL 606020000 .....	0	107,304
CHICAGO HOUSING AUTHORITY .....	626 W. JACKSON BLVD, CHICAGO, IL 606020000 .....	0	1,000,000
LEADERSHIP COUNCIL MET .....	LEADERSHIP COUNCIL METRO OPEN, 401 S STATE ST., SUITE 860, CHICAGO, IL 606051289.	0	840,000
CITY OF INDIANAPOLIS .....	FIVE INDIANA SQ., SECOND FLOOR, INDIANAPOLIS, IN 46204.	0	258,000
NEW ORLEANS HOUSING AUTHORITY .....	918 CARONDELET STREET, NEW ORLEANS, LA 701300000.	0	750,000
BOSTON HOUSING AUTHORITY .....	52 CHAUNCY STREET, BOSTON, MA 021110000 .....	0	456,000
BOSTON HOUSING AUTHORITY .....	52 CHAUNCY STREET, BOSTON, MA 021110000 .....	0	250,000
BOSTON HOUSING AUTHORITY .....	52 CHAUNCY STREET, BOSTON, MA 021110000 .....	0	200,000
BOSTON HOUSING AUTHORITY .....	52 CHAUNCY STREET, BOSTON, MA 021110000 .....	0	107,304
HOUSING AUTHORITY OF BALTIMORE CITY .....	417 E FAYETTE STREET, BALTIMORE, MD 212020000	0	107,304
HOUSING AUTHORITY OF BALTIMORE CITY .....	417 E FAYETTE STREET, BALTIMORE, MD 212020000	0	2,000,000
DETROIT HOUSING DEPARTMENT .....	2211 ORLEANS, DETROIT, MI 48207 .....	0	547,000
KANSAS CITY HOUSING AUTHORITY .....	299 PASEO, KANSAS CITY, MO 641060000 .....	0	200,000
NEWARK HA .....	57 SUSSEX AVENUE, NEWARK, NJ 071030000 .....	0	475,000
JERSEY CITY HA .....	400 US HIGHWAY #1, JERSEY CITY, NJ 073060000 ....	0	70,000
NEW YORK CITY HOUSING AUTHORITY .....	250 BROADWAY, NEW YORK, NY 100070000 .....	0	107,304
CITY OF BUFFALO .....	201 CITY HALL-85 NIAGARA SQUAR, BUFFALO, NY 142020000.	0	3,000,000
COLUMBUS METRO. HA .....	960 EAST FIFTH AVE., COLUMBUS, OH 432010000 ....	0	241,000
COLUMBUS METRO. HA .....	960 EAST FIFTH AVE., COLUMBUS, OH 432010000 ....	0	241,000
PHILADELPHIA HOUSING AUTHORITY .....	2012-18 CHESTNUT STREET, PHILADELPHIA, PA 19103.	0	500,000
CHESTER HOUSING AUTHORITY .....	6 W. 6TH STREET, PO BOX 380, CHESTER, PA 190160000.	0	96,000
PUERTO RICO DEPT OF HOUSING .....	606 BARBOSA AVENUE, PO BOX 21365, RIO PIEDRAS, PR 00928.	0	192,000
SAN ANTONIO HOUSING AUTHORITY .....	PO DRAWER 1300, SAN ANTONIO TX 782950000 .....	0	500,000
DALLAS HOUSING AUTHORITY .....	3939 N. HAMPTON, DALLAS, TX 752120000 .....	0	1,850,000
MINNEAPOLIS PHA .....	100 WASHINGTON AVE NORTH, MINNEAPOLIS, MN 554011.	0	1,750,00
METROPOLITAN COUNCIL .....	MEARS PARK CENTRE, ST. PAUL, MN 551012016, 230 E. FIFTH STREET.	0	100,000
NEW YORK CITY HOUSING AUTHORITY .....	250 BROADWAY, NEW YORK, NY 100070000 .....	0	250,000
ALLEGHENY COUNTY HOUSING AUTHORITY .....	341 FOURTH AVENUE FIDELITY BL, PITTSBURGH, PA 1522200.	0	1,400,000

## OPT-OUTS TENANT-BASED—VOUCHER PROGRAM

TORRINGTON HOUSING AUTHORITY .....	TORRINGTON TOWERS, TORRINGTON, CT 067900000.	7	427,252
METROPOLITAN DADE COUNTY .....	111 N.W. FIRST ST., 26TH FLOOR, MIAMI, FL 331281980.	94	5,652,190
BALTIMORE COUNTY, MD .....	400 WASHINGTON AVENUE, TOWSON, MD 212040000.	55	1,882,825
MICHIGAN STATE HOUSING DEVELOPMENT .....	AUTHORITY, LANSING, MI 489090000 .....	28	446,124



## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
SIOUX FALLS HOUSING & REDEVELOP COM .....	224 N. PHILLIPS AVENUE, SIOUX FALLS, SD 571020000.	9	203,325
SAN ANTONIO HOUSING AUTHORITY .....	PO DRAWER 1300, SAN ANTONIO, TX 792950000 .....	9	304,710
SAN ANTONIO HOUSING AUTHORITY .....	PO DRAWER 1300, SAN ANTONIO, TX 782950000 .....	251	3,879,392
HA CITY OF SPOKANE .....	W. 55TH MISSION, SUITE 104, SPOKANE, WA 992010000.	128	1,326,548
COUNTY OF STANISLAUS HOUSING AUTH .....	PO BOX 3958, MODESTO, CA 953520000 .....	20	455,500

## LITIGATION—VOUCHER PROGRAM

CHICAGO HOUSING AUTHORITY .....	626 W. JACKSON BLVD, CHICAGO, IL 606020000 .....	0	1,100,000
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## REPLACEMENTS, RELOCATIONS, OPT-OUTS—VOUCHER PROGRAM

SAN FRANCISCO HSG AUTH .....	440 TURK STREET, SAN FRANCISCO, CA 94120 .....	131	2,692,104
OAKLAND HOUSING AUTHORITY .....	1619 HARRISON ST, OAKLAND, CA 946120000 .....	54	1,273,212
CITY OF LOS ANGELES HSG AUTH .....	2600 WISHIRE BLVD., LOS ANGELES, CA 900570000 .....	216	4,374,256
HOUSING AUTHORITY COUNTY OF KERN .....	525 ROBERTS LAND, BAKERSFIELD, CA 933080000 .....	92	784,050
METROPOLITAN DADE COUNTY .....	111 N.W. FIRST ST., 26TH FLOOR, MIAMI, FL 331281980.	240	4,627,950
HA ATLANTA GA .....	739 WEST PEACHTREE STREET NE, ATLANTA, GA 303650000.	250	4,257,462
HA ATLANTA GA .....	739 WEST PEACHTREE STREET NE, ATLANTA, GA 303650000.	247	8,080,548
CHICAGO HOUSING AUTHORITY .....	626 W. JACKSON BLVD, CHICAGO, IL 606020000 .....	167	3,567,034
CHICAGO HOUSING AUTHORITY .....	626 W. JACKSON BLVD, CHICAGO, IL 606020000 .....	500	11,069,200
CITY OF INDIANAPOLIS .....	FIVE INDIANA SQ., SECOND FLOOR, INDIANAPOLIS, IN 46204.	70	1,037,476
CITY OF INDIANAPOLIS .....	FIVE INDIANA SQ., SECOND FLOOR, INDIANAPOLIS, IN 46204.	248	3,053,230
NEW ORLEANS HOUSING AUTHORITY .....	918 CARONDELET STREET, NEW ORLEANS, LA 701300000.	375	5,173,828
BOSTON HOUSING AUTHORITY .....	52 CHAUNCEY STREET, BOSTON, MA 021110000 .....	228	2,756,058
DETROIT HOUSING DEPARTMENT .....	2211 ORLEANS, DETROIT, MI 48207 .....	273	3,691,854
DETROIT HOUSING DEPARTMENT .....	2211 ORLEANS, DETROIT, MI 48207 .....	100	1,532,444
MINNEAPOLIS PHA .....	1001 WASHINGTON AVE. NORTH, MINNEAPOLIS, MN 554011043.	300	13,832,435
ST. LOUIS COUNTY HOUSING AUTHORITY .....	8865 NATURAL BRIDGE, ST. LOUIS, MO 631210000 .....	204	2,007,952
HA CHARLOTTE .....	PO BOX 36795, CHARLOTTE, NC 282360000 .....	75	1,049,500
NEWARK HA .....	57 SUSSEX AVENUE, NEWARK, NJ 071030000 .....	237	5,604,604
JERSEY CITY HA .....	400 US HIGHWAY #1, JERSEY CITY, NJ 073060000 .....	70	1,530,536
COLUMBUS METRO. HA .....	960 EAST FIFTH AVE., COLUMBUS, OH 432010000 .....	70	765,834
COLUMBUS METRO. HA .....	960 EAST FIFTH AVE., COLUMBUS, OH 432010000 .....	241	2,906,460
COLUMBUS METRO. HA .....	960 EAST FIFTH AVE., COLUMBUS, OH 432010000 .....	241	2,906,460
CUYAHOGA METRO HA .....	1441 WEST 25TH STREET, CLEVELAND, OH 441130000.	302	3,656,280
PHILADELPHIA HOUSING AUTHORITY .....	2012-18 CHESTNUT STREET, PHILADELPHIA, PA 191030000.	250	4,294,850
WILLIAMSPORT HOUSING AUTHORITY .....	505 CENTER STREET, WILLIAMSPORT, PA 177010000.	10	65,450
PUERTO RICO DEPT OF HOUSING .....	606 BARBOSA AVENUE, RIO PIEDRAS, PR 009280000, PO BOX 21365.	88	1,230,244
SAN ANTONIO HOUSING AUTHORITY .....	PO DRAWER 1300, SAN ANTONIO, TX 782950000 .....	250	3,529,134
DALLAS HOUSING AUTHORITY .....	3939 N HAMPTON, DALLAS, TX 752120000 .....	167	2,589,960
HA OF CITY OF SEATTLE .....	120 SIXTH AVENUE NORTH, SEATTLE, WA 981090000.	250	4,086,386
RANDOLPH COUNTY HOUSING AUTHORITY .....	PO BOX 1579, ELKINS, WV 262410000 .....	25	255,040
BALTIMORE COUNTY, MD .....	400 WASHINGTON AVENUE, TOWSON, MD 212040000.	.....	.....

## SECTION 23 CONVERSIONS—CERTIFICATE PROGRAM

ANSONIA HOUSING AUTHORITY .....	75 CENTRAL STREET, ANSONIA, CT 064010000 .....	12	464,952
OAKLAND HOUSING AUTHORITY .....	703 PARK LAND, OAKLAND, IA 51560 .....	24	54,376
HOUSING AUTHORITY OF CITY OF DECATU .....	225 WEST MONROE STREET, DECATUR, IN 467330000.	35	285,804
HOLYOKE HOUSING AUTHORITY .....	475 MAPLE STREET, HOLYOKE, MA 010400000 .....	42	458,898
HOLYOKE HOUSING AUTHORITY .....	475 MAPLE STREET, HOLYOKE, MA 010400000 .....	46	76,254
OGDEN HOUSING AUTHORITY .....	127 24TH STREET, STE 6, OGDEN, UT 844011340 .....	20	150,622
SALT LAKE CITY HOUSING AUTHORITY .....	1800 SOUTH WEST TEMPLE, SALT LAKE CITY, UT 841150000, SUITE 204.	20	167,095

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
DAVIS COUNTY HOUSING AUTHORITY .....	PO BOX 328, FARMINGTON, UT 840250000 .....	19	151,145
MERIDEN HOUSING AUTHORITY .....	22 CHURCH STREET, MERIDEN, CT 064500000 .....	.....	.....
<b>FSS SERVICE COORDINATORS—CERTIFICATE PROGRAM</b>			
DOTHAN H/A .....	PO BOX 1727, DOTHAN, AL 363020000 .....	0	13,627
HA LEEDS .....	PO BOX 513, LEEDS, AL 350940000 .....	0	23,858
HA OZARK .....	PO BOX 566, OZARK, AL 363610000 .....	0	27,398
HA ALBERTVILLE .....	PO BOX 1126, ALBERTVILLE, AL 359500000 .....	0	30,761
HA BESSEMER .....	1100 5TH AVE. N., BESSEMER, AL 350200000 .....	0	13,191
HA JACKSONVILLE .....	895 GARDNER DRIVE, JACKSONVILLE, AL 362650000 .....	0	25,750
HA NORTHPORT .....	PO DRAWER 349, NORTHPORT, AL 354760000 .....	0	10,840
NW REGIONAL HSG AUTHORITY .....	PO BOX 699, HARRISON, AR 726020699 .....	0	26,780
HOPE HOUSING AUTHORITY .....	720 TEXAS STREET, HOPE, AR 718010000 .....	0	15,979
SILOAM SPRINGS HSG AUTH .....	PO BOX 280, SILOAM SPRINGS, AR 727610000 .....	0	26,574
HARRISON HOUSING AGENCY .....	PO BOX 1715, HARRISON, AR 726010000 .....	0	21,630
MISSISSIPPI COUNTY PFB .....	808 W KEISER, OSCEOLA, AR 723700000 .....	0	25,364
CITY OF CHANDLER .....	99 N. DELAWARE ST., CHANDLER, AZ 852250000 .....	0	34,930
CITY OF BULLHEAD CITY .....	PO BOX 21179, BULLHEAD CITY, AZ 864391179 .....	0	30,955
UPLAND CITY HOUSING AUTH .....	1226 N CAMPUS AVE, UPLAND, CA 917860000 .....	0	28,882
CITY OF BENICIA HSG AUTH .....	28 RIVERHILL DRIVE, BENICIA, CA 945100000, PO BOX 549.	0	40,951
CITY OF FAIRFIELD .....	MICHAEL LESS, FAIRFIELD, CA 945330000, 1000 WEBSTER.	0	36,700
CITY OF CARLSBAD .....	CATHY GRAHAM DIR OF REDEV, CARLSBAD, CA 920080000, 1200 CARLSBAD VILLAGE DRIVE.	0	24,905
YUBA COUNTY HOUSING AUTHORITY .....	938 14TH STREET, MARYSVILLE, CA 959010000 .....	0	38,966
CITY OF PICO RIVERA .....	HARLON RAVITCH ACCTANT FIN DP, PICO RIVERA, CA 906600000, 6615 PASSONS BLVD.	0	41,125
CITY OF ROSEVILLE .....	VIVIAN NICHOL ACCOUNTANT, ROSEVILLE, CA 956780000, 311 VERNON STREET.	0	39,909
COUNTY OF SOLAND HSG AUTH .....	C/O AUDITOR-CONTROLLER, FAIRFIELD, CA 945330000, COURTHOUSE ANNEX.	0	40,170
CITY OF LAKEWOOD .....	CAROL MOON SR ACCT FIN DPT, LAKEWOOD, CA 907120000, 5050 N CLARK AVE.	0	41,186
LAKE COUNTY HOUSING COMMISSION .....	255 N FORBES STREET, LAKEPORT, CA 954530000 ..	0	34,788
FORT COLLINS HSG AUTH .....	1715 W. MOUNTAIN AVE., FORT COLLINS, CO 805210000.	0	26,624
CITY OF ENGLEWOOD HOUSING AUTHORITY .....	3460 SOUTH SHERMAN ST. SUITE 1, ENGLEWOOD, CO 801100000.	0	38,756
CITY OF ARVADA .....	8101 RALSTON ROAD, ARVADA, CO 800020000 .....	0	29,664
MONTROSE COUNTY HOUSING AUTHORITY .....	PO BOX 1333, MONTROSE, CO 814020000 .....	0	27,995
GARFIELD COUNTY HOUSING AUTHORITY .....	406 SOUTH HYLAND PARK DRIVE, GLENWOOD SPRINGS, CO 81601, SUITE D.	0	36,050
NORWALK HOUSING AUTHORITY .....	24½ MONROE STREET, SOUTH NORWALK, CT 068540000.	0	34,466
HARTFORD HOUSING AUTHORITY .....	475 FLATBUSH AVENUE, HARTFORD, CT 061060000 .	0	41,043
MIDDLETOWN HOUSING AUTHORITY .....	40 BROAD STREET, MIDDLETOWN, CT 064570000 .....	0	40,975
MERIDEN HOUSING AUTHORITY .....	22 CHURCH STREET, MERIDEN, CT 064500000 .....	0	41,200
ANSONIA HOUSING AUTHORITY .....	75 CENTRAL STREET, ANSONIA, CT 064010000 .....	0	30,900
MILFORD HOUSING AUTHORITY .....	75 DEMAIO DRIVE, MILFORD, CT 064600000, PO BOX 4123.	0	41,200
DOVER HOUSING AUTHORITY .....	1266-76 WHITE OAK ROAD, DOVER, DE 199010000 ..	0	27,038
HA DAYTONA BEACH .....	118 CEDAR ST, DAYTONA BEACH, FL 321140000 .....	0	30,390
PANAMA CITY HSG AUTH .....	804 E 15TH STREET, PANAMA CITY, FL 324050000 ....	0	22,726
HA PUNTA GORDA .....	PO BOX 1146, PUNTA GORDA, FL 339500000 .....	0	26,467
HA ALACHUA COUNTY .....	636 N E 1ST STREET, GAINESVILLE, FL 326010000 ...	0	25,997
HA DELAND .....	300 SUNFLOWER CIRCLE, DE LAND, FL 327240000 ...	0	27,408
WALTON CO BD OF CO COMM .....	PO BOX 1258, DE FUNIAK SPRINGS, FL 32433 .....	0	32,147
COUNTY OF VOLUSIA .....	123 WEST INDIANA, DE LAND, FL 327200000 .....	0	35,388
HERNANDO COUNTY HOUSING AUTHOR .....	820 KENNEDY BLVD., BROOKSVILLE, FL 346010000 ..	0	18,833
COLLIER COUNTY HA .....	1800 FARM WORKER WAY, IMMOKALEE, FL 339340000.	0	33,089
CITRUS COUNTY HOUSING SERVICES .....	1300 S. LECANTO HIGHWAY, LECANTO, FL 344610000.	0	25,034
OTTUMWA HOUSING AUTHORITY .....	102 WEST FINLEY AVENUE, OTTUMWA, IA 525010000.	0	30,270
MUNICIPAL HOUSING AGENCY .....	119 SOUTH MAIN ST, COUNCIL BLUFFS, IA 515030000, SUITE 200.	0	27,676

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
FORT DODGE HOUSING AGENCY .....	700 SOUTH 17TH STREET, FORT DODGE, IA 505010000.	0	38,142
NORTH IOWA REGIONAL HOUSING AUTH .....	121 THIRD STREET NW, MASON CITY, IA 504010000 .	0	30,900
NORTHWEST IOWA REGIONAL HSG AUTH .....	PO BOX 6207, SPENCER, IA 513010000 .....	0	30,422
UPPER EXPLORERLAND REGIONAL .....	HOUSING AUTHORITY, POSTVILLE, IA 521620000, 134 W. GREENE ST.	0	35,020
CENTRAL IOWA REGIONAL HOUSING AUTH .....	1111 NINTH STREET, DES MOINES, IA 503140000, SUITE 240.	0	29,862
IOWA NORTHLAND REGIONAL HSG AUTH .....	213 E 4TH STREET, WATERLOO, IA 507030000 .....	0	34,736
KENDALL COUNTY HSG AUTH .....	111 W. MADISON ST., YORKVILLE, IL 605600000 .....	0	8,240
LEADERSHIP COUNCIL MET .....	LEADERSHIP COUNCIL METRO OPEN, CHICAGO, IL 606051289, 401 S STATE ST, SUITE 860.	0	40,644
VINCENNES HA .....	501 HART ST, PO BOX 1636, VINCENNES, IN 475910000.	0	21,385
HA DELAWARE COUNTY .....	2401 S HADDIX AVENUE, MUNCIE, IN 473020000 .....	0	24,926
HOUSING AUTHORITY CITY OF SULLIVAN .....	200 NORTH COURT STREET, SULLIVAN, IN 47882 .....	0	23,565
HOUSING AUTHORITY OF THE CITY OF MARION .....	601 SOUTH ADAMS STREET, MARION, IN 469530000	0	28,184
HOUSING AUTHORITY OF KNOX COUNTY .....	TILLY ESTATES-OFFICE, BICKNEEL, IN 475120000 ....	0	22,660
HA PERU .....	701 E MAIN ST, PERU, IN 469700000 .....	0	26,914
THE HOUSING AUTHORITY OF THE CITY OF GOSHEN	302 S 5TH STREET, GOSHEN, IN 46526 .....	0	29,190
FORT SCOTT HOUSING AUTHORITY .....	315 SCOTT AVE, PO BOX 269, FORT SCOTT, KS 667010000.	0	11,021
MANHATTAN HOUSING AUTHORITY .....	PO BOX 1024, 300 N 5TH, MANHATTAN, KS 665020000.	0	27,095
ECKAN .....	PO BOX 110, OTTAWA, KS 660670000 .....	0	33,372
SOUTHWEST KANSAS AREA AGENCY ON AGING, INC	PO BOX 1636, DODGE CITY, KS 678010000 .....	0	30,900
HA FRANKFORT .....	590 WALTER TODD DRIVE, FRANKFORT, KY 406010000.	0	13,023
HA SOMERSET .....	PO BOX 449, SOMERSET, KY 425010000 .....	0	30,591
HA CYNTHIANA .....	PO BOX 351, CYNTHIANA, KY 410310000 .....	0	17,111
HA GEORGETOWN .....	139 SCROGGIN PARK, GEORGETOWN, KY 403240000.	0	8,034
PIKE COUNTY HOUSING AUTHORITY .....	PO BOX 1468, PIKEVILLE, KY 415010000 .....	0	40,071
CITY OF PADUCAH .....	PO BOX 2267, PADUCAH, KY 420022267 .....	0	30,375
HA FLOYD COUNTY .....	PO BOX 687, PRESTONSBURG, KY 416530000 .....	0	35,255
APPALACHIAN FOOTHILLS HSG AGENCY .....	1448 DIEDERICH BLVD, RUSSELL, KY 411690000 .....	0	28,520
CITY OF BOWLING GREEN .....	PO BOX 430, BOWLING GREEN, KY 421020430 .....	0	28,648
CALCASIEU PARISH POLICE JURY .....	PO DRAWER 3287, LAKE CHARLES, LA 706020000 ....	0	26,210
IBERIA PARISH POLICE JURY .....	300 IBERIA STREET, SUITE 400, NEW IBERIA, LA 705604587.	0	30,735
PORT ALLEN (CITY OF) .....	PO BOX 468, PORT ALLEN, LA 707670000 .....	0	18,505
TERREBONNE PARISH COUNCIL .....	PO BOX 6097, HOUMA, LA 703610000 .....	0	29,731
WEBSTER PARISH POLICE JURY .....	PO 389, MINDEN, LA 710550000 .....	0	21,405
WASHINGTON PARISH HSG AUTHORITY .....	PO BOX 167, VARNADO, LA 704670000 .....	0	16,862
WOBURN HOUSING AUTHORITY .....	59 CAMPBELL STREET, WOBURN, MA 018010000 .....	0	41,200
GLOUCESTER HOUSING AUTHORITY .....	PO BOX 1599, GLOUCESTER, MA 019311599 .....	0	29,981
EVERETT HSA AUTHORITY .....	90 CHELSEA ST, EVERETT, MA 021490000 .....	0	28,039
BROOKLINE HOUSING AUTHORITY .....	90 LONGWOOD AVE., BROOKLINE, MA 021460000 .....	0	37,545
SHREWSBURY HOUSING AUTHORITY .....	36 NORTH QUINSIGAMOND AVENUE, SHREWSBURY, MA 015450000.	0	24,732
ARLINGTON HSG AUTHORITY .....	4 WINSLOW ST., ARLINGTON, MA 021740000 .....	0	25,747
PEABODY HSG AUTHORITY .....	75-81 CENTRAL ST, PEABODY, MA 019600000 .....	0	31,801
SALEM HOUSING AUTHORITY .....	27 CHARTER STREET, SALEM, MA 019700000 .....	0	41,200
ACTON HSG AUTHORITY .....	PO BOX 681, ACTON, MA 017200000 .....	0	30,773
PLYMOUTH HOUSING AUTHORITY .....	PO BOX 3537, PLYMOUTH, MA 023610000 .....	0	30,228
MELROSE HSG AUTHORITY .....	910 MAIN ST, MELROSE, MA 021760000 .....	0	20,845
MILFORD HOUSING AUTHORITY .....	45 BIRMINGHAM COURT, MILFORD, MA 017570000 ...	0	16,988
HOLBROOK HSG AUTHORITY .....	ONE HOLBROOK COURT, HOLBROOK, MA 022430000.	0	26,110
WAKEFIELD HA .....	26 CRESCENT ST, WAKEFIELD, MA 018800000 .....	0	23,793
READING HSG AUTHORITY .....	22 FRANK D TANNER DRIVE, READING, MA 018670000.	0	23,947
ANDOVER HSG AUTHORITY .....	100 MORTON ST, ANDOVER, MA 018100000 .....	0	19,884
LEOMINSTER HSG AUTHORITY .....	100 MAIN ST, LEOMINSTER, MA 014530000 .....	0	41,200
GREENFIELD HSG AUTHORITY .....	ONE ELM TERRACE, GREENFIELD TOWN, MA 13010	0	25,750
SAUGUS HSG AUTHORITY .....	19 TALBOT ST, SAUGUS, MA 019060000 .....	0	27,861
WAYLAND HOUSING AUTHORITY .....	106 MAIN STREET, WAYLAND, MA 017780000 .....	0	25,750
NORTH ANDOVER HOUSING AUTHORITY .....	PO BOX 373, NORTH ANDOVER, MA 018450000 .....	0	22,624
NORWOOD HSG AUTHORITY .....	40 WILLIAM SHYNE CIRCLE, NORWOOD, MA 020620000.	0	34,147
GARDNER HSG AUTHORITY .....	116 CHURCH ST, GARDNER, MA 014400000 .....	0	12,257

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
MANSFIELD HSG AUTHORITY .....	22 BICENTENNIAL COURT, MANSFIELD TOWN, MA 020480000.	0	22,093
DENNIS HSG AUTHORITY .....	167 CENTER ST, DENNIS TOWN, MA 026600000 .....	0	30,900
HANSON HOUSING AUTHORITY .....	MEETINGHOUSE LANE, HANSON, MA 023410000 .....	0	21,692
NORTH ATTLEBOROUGH HSG AUTHORITY .....	PO BOX 668, NORTH ATTLEBOROUGH, MA 27610 .....	0	26,611
HAGERSTOWN HOUSING AUTHORITY .....	PO BOX 2859, HAGERSTOWN, MD 217412859 .....	0	40,790
HOUSING AUTHORITY OF THE CITY OF ROCKVILLE ..	14 MOORE DRIVE, ROCKVILLE, MD 208500000 .....	0	39,140
ST. MARYS COUNTY COMMISSIONERS AUTHORITY ..	PO BOX 653, GOVT CENTER, LEONARDTOWN, MD 206500000.	0	38,984
CALVERT COUNTY HOUSING AUTHORITY .....	420 WEST DARES BEACH ROAD, PRINCE FREDERICK, MD 20678.	0	32,960
CITY OF WESTMINSTER .....	PO BOX 010, CITY HALL, WESTMINSTER, MD 211570000.	0	23,960
WASHINGTON COUNTY HOUSING AUTHORITY .....	33 WEST WASHINGTON STREET, HAGERSTOWN, MD 217400000.	0	29,039
CECIL COUNTY HOUSING AGENCY .....	COURT HOUSE ROOM 122, ELKTON, MD 219210000 .	0	33,579
CARROLL COUNTY HSG & COMMUNITY DEV .....	125 NORTH COURT STREET, WESTMINSTER, MD 21157000.	0	29,635
BANGOR HOUSING AUTHORITY .....	161 DAVIS ROAD, BANGOR, ME 044010000 .....	0	32,642
WESTBROOK HOUSING AUTHORITY .....	PO BOX 349, WESTBROOK, ME 040920000 .....	0	32,651
SOUTH PORTLAND HOUSING AUTHORITY .....	51 LANDRY CIRCLE PO BOX 2128, SOUTH PORTLAND, ME 041060000.	0	32,188
MOUNT DESERT HOUSING AUTHORITY .....	15 EAGLE LAKE ROAD, BAR HARBOR, ME 046090000	0	31,080
CARIBOU HSG AUTHORITY .....	25 HIGH ST, CARIBOU, ME 047360000 .....	0	32,136
AUGUSTA HSG AUTHORITY .....	18 CONY ST, CITY CENTER PLAZA, AUGUSTA, ME 043300000.	0	22,776
SAGINAW HSG COMM .....	2811 DAVENPORT, BOX A, SAGINAW, MI 486020000 .	0	30,000
SAGINAW HSG COMM .....	2811 DAVENPORT, BOX A, SAGINAW, MI 486020000 .	0	4,557
CITY OF JACKSON .....	161 WEST MICHIGAN AVENUE JACKSON, MI 492010000, ATTENTION: MS. BARBARA RIPPEE.	0	21,290
LANSING HOUSING COMMISSION .....	310 SEYMOUR, LANSING, MI 489330000 .....	0	14,997
CITY OF MUSKEGON .....	933 TERRACE STREET, PO BOX 536, MUSKEGON, MI 494430000.	0	35,981
CITY OF WYOMING .....	1155 28TH STREET, SW, WYOMING, MI 495090000 ....	0	41,200
CITY OF WESTLAND .....	32175 DORSEY ROAD, WESTLAND, MI 481850000, ATTENTION: MR. JAMES GILBERT.	0	36,207
TOWNSHIP OF REDFORD .....	12121 HEMINGWAY, REDFORD TWP, MI 482390000, ATTENTION: MR. SIDNEY BLITZ.	0	27,851
COUNTY OF KENT .....	4326 CASCADE ROAD, SE, GRAND RAPIDS, MI 495460000.	0	31,381
WAYNE COUNTY .....	RAYMOND J. WOJTOWICZ, DETROIT, MI 482262942, WAYNE COUNTY TREASURER.	0	41,200
WINONA HRA .....	165 EAST FOURTH ST, WINONA, MN 559873514 .....	0	10,831
SOUTH ST PAUL HRA .....	125 SOUTH THIRD AVENUE, SOUTH ST. PAUL, MN 550750000.	0	33,733
BRAINERD HRA .....	304 EAST RIVER ROAD, SUITE 2, BRAINERD, MN 564013551.	0	33,435
ALBERT LEA HRA .....	221 E. CLARK STREET, ALBERT LEA, MN 560072421 .	0	8,240
OLMSTED COUNTY HRA .....	2116 CAMPUS DRIVE SE, ROCHESTER, MN 559044744.	0	16,496
BLOOMINGTON HRA .....	2215 W. OLD SHAKOPEE RD, BLOOMINGTON, MN 554310000.	0	28,840
NW MN MULTI-COUNTY HRA .....	P.O BOX 128, MENTOR, MN 567360128 .....	0	26,780
KANDIYOHI COUNTY HRA .....	HEARTLAND CAA, BOX 1359, WILLMAR, MN 562010000.	0	30,900
SCOTT COUNTY HRA .....	1604 FRANKLIN TRAIL SE, PRIOR LAKE, MN 553720000.	0	20,825
SOUTHEAST MN MULTI-COUNTY HRA .....	134 EAST SECOND STREET, WABASHA, MN 559810000.	0	27,080
WASHINGTON COUNTY HRA .....	321 BROADWAY AVE, ST. PAUL PARK, MN 550710000.	0	18,515
SOUTH CENTRAL MULTI COUNTY HRA .....	410 JACKSON STREET, MANKATO, MN 560010000 ....	0	30,900
ST CHARLES HOUSING AUTHORITY .....	1014 OLIVE ST, ST CHARLES, MO 633010000 .....	0	21,852
LIBERTY HOUSING AUTHORITY .....	101 E. KANSAS, PO BOX 159, LIBERTY, MO 640680000.	0	28,274
RIPLEY COUNTY PHA .....	3019 FAIR STREET, PO BOX 1183, POPLAR BLUFF, MO 639010000,.	0	23,714
ECONOMIC SECURITY CORP SW AREA .....	ATTN: DEBBI MARKHAM, JOPLIN, MO 648020000, P.O. BOX 207.	0	21,321
BILLINGS HSG AUTH .....	2415 1ST AVE NORTH, BILLINGS, MT 591010000 .....	0	21,677

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
GREAT FALLS HSG AUTH .....	1500 SIXTH AVE. SOUTH, GREAT FALLS, MT 594050000.	0	28,173
HELENA HSG AUTH .....	812 ABBEY ST, HELENA, MT 596010000 .....	0	39,946
MISSOULA HOUSING AUTH .....	1319 E. BROADWAY, MISSOULA, MT 598020000 .....	0	30,900
CITY OF CONCORD .....	P.O. BOX 308, CONCORD, NC 280250000 .....	0	12,299
HA LAURINBURG .....	PO BOX 1437, LAURINBURG, NC 283520000 .....	0	34,467
H/A CITY OF GREENVILLE .....	PO BOX 1426, GREENVILLE, NC 278350000 .....	0	26,888
HA SANFORD .....	PO BOX 636, SANFORD, NC 273310000 .....	0	32,960
HA STATESVILLE .....	433 S. MEETING STREET, STATESVILLE, NC 28677 ...	0	25,343
HA MIDEAST REGIONAL .....	PO BOX 474, WASHINGTON, NC 27889 .....	0	20,699
TOWN OF EAST SPENCER .....	PO BOX 367, EAST SPENCER, NC 280390000 .....	0	31,750
SANDHILLS COMM ACTION PROG INC .....	PO BOX 937, CARTHAGE, NC 283270000 .....	0	27,419
MOUNTAIN PROJECTS, INC .....	RT. 1 BOX 732, WAYNESVILLE, NC 287860000 .....	0	25,832
STUTSMAN COUNTY HOUSING AUTHORITY .....	217 1ST AVENUE N., JAMESTOWN, NC 584010000 .....	0	25,235
KEARNEY HOUSING AUTHORITY .....	2715 AVE 1, KEARNEY, NE 688470000 .....	0	20,909
NORFOLK HOUSING AUTHORITY .....	111 S. FIRST STREET, NORFOLK, NE 687010000 .....	0	26,780
BELLEVUE HOUSING AUTHORITY .....	8214 ARMSTRONG CIRCLE, OMAHA, NE 681470000 ..	0	24,308
NORTHEAST NEBRASKA JOINT HSG AUTH .....	520 PIERCE STREET, SUITE 400, SIOUX CITY, IA 51102.	0	26,368
GOLDENROD JOINT HSG AUTH .....	PO BOX 280, WISNER, NE 687690000 .....	0	23,639
CENTRAL NEBRASKA JOINT HSG AUTH .....	PO BOX 509, LOUP CITY, NE 688530000 .....	0	22,042
LACONIA HOUSING & REDEVELOPMENT AUTH .....	25 UNION AVE, LACONIA, NH 032460000 .....	0	32,651
KEENE HOUSING AUTHORITY .....	105 CASTLE STREET, KEENE, NH 034310000 .....	0	32,940
LONG BRANCH HA .....	PO BOX 336, LONG BRANCH, NJ 077400000 .....	0	41,200
WOODBIDGE HA .....	10 BUNNS LANE, WOODBRIDGE, NJ 070950000 .....	0	29,352
RED BANK HA .....	PO BOX 2158 EVERGREEN TERRACE, RED BANK, NJ 077010000.	0	29,355
NEPTUNE HA .....	BOX 726, NEPTUNE, NJ 077530000 .....	0	32,960
GLASSBORO HA .....	737 LINCOLN BLVD PO BOX 563, GLASSBORO, NJ 080280000.	0	27,420
BOONTON HA .....	125 CHESTNUT STREET, BOONTON, NJ 070050000 ...	0	41,200
LAKEWOOD HA .....	PO BOX 1543, LAKEWOOD, NJ 087010000 .....	0	41,200
BERKLEY TOWNSHIP HOUSING AUTHORITY .....	44 FREDERICK DR., BAYVILLE, NJ 08721 .....	0	35,020
MILLVILLE HA .....	PO BOX 803 122 E MAIN STREET, MILLVILLE, NJ 083320000.	0	30,939
BRICK HA .....	165 CHAMBERS BRIDGE ROAD, BRICK, NJ 087230000.	0	40,994
DOVER HA .....	215 EAST BLACKWELL STREET, DOVER, NJ 078010000.	0	40,376
FORT LEE HA .....	1403 TERESA DRIVE, FORT LEE, NJ 070240000 .....	0	41,200
WEEHAWKEN HA .....	525 GREGORY AVENUE, WEEHAWKEN, NJ 070870000.	0	40,788
HUNTERDON COUNTY HA .....	8 GAUNTT PL. RT. 31, FLEMINGTON, NJ 088220000 ...	0	41,200
TOWNSHIP OF MONTCLAIR HA .....	205 CLAREMONT AVENUE, MONTCLAIR, NJ 070420000.	0	41,200
BLOOMFIELD TOWNSHIP HA .....	MUNICIPAL PLAZA, BLOOMFIELD, NJ 070030000 .....	0	41,200
LAS CRUCES HSG AUTHORITY .....	926 S SAN PEDRO, LAS CRUCES, NM 880010000 .....	0	24,092
TRUTH OR CONSEQUENCES HSG AUTHORITY .....	108 SOUTH CEDAR STREET, TRUTH OR CONSEQUENC, NM 87901.	0	20,394
SANTA FE COUNTY HSG AUTHORITY .....	52 CAMINO DE JACOBO, SANTA FE, NM 875050000 ..	0	34,145
COUNTY OF DONA ANA .....	430 SOUTH MAIN STREET, LAS CRUCES, NM 880011205 ROOM 103.	0	33,939
REGION IV HOUSING AUTHORITY .....	104 WEST SECOND STREET, CLOVIS, NM 881010000	0	28,634
CLOVIS HOUSING AUTHORITY .....	PO BOX 1240, CLOVIS, NM 881010000 .....	0	28,737
HA OF PLATTSBURGH .....	19 OAK STREET, PLATTSBURGH, NY 129010000 .....	0	28,049
HA OF COHOES .....	DR JAY MCDONALD TOWERS REMSEN, COHES, NY 120470000.	0	34,762
CITY OF OSWEGO .....	CITY HALL, OSWEGO, NY 131260000 .....	0	24,720
HA OF GREENBURGH .....	9 MAPLE STREET, WHITE PLAINS, NY 106030000 .....	0	41,200
HA OF HORNELL .....	71 CHURCH STREET, HORNELL, NY 148430000 .....	0	34,925
HA OF MONTICELLO .....	76 EVERGREEN DRIVE, MONTICELLO, NY 127010000	0	41,200
HA OF NORTH HEMPSTEAD .....	POND HILL ROAD, GREAT NECK, NY 110200000 .....	0	34,989
HA OF NEW ROCHELLE .....	50 SICKLES AVENUE, NEW ROCHELLE, NY 108010000.	0	31,930
TOWN OF YORKTOWN .....	PO BOX 703, YORKTOWN HEIGHTS, NY 10598 363 UNDERHILL AVENUE.	0	32,960
CITY OF POUGHKEEPSIE MUNICIPAL BLDG .....	MEMORIAL SUARE PO BOX 300, POUGHKEEPSIE, NY 126020000.	0	33,475
NORTH FORK HSG ALLIANCE INC .....	110 SOUTH STREET, GREENPORT, NY 119440000 ....	0	38,316
TOWN OF SMITHTOWN .....	99 WEST MAIN STREET PO BOX 5, SMITHTOWN, NY 117870000.	0	39,655

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
VILLAGE OF KIRYAS JOEL HOUSING AUTH .....	500 FOREST ROAD SUITE 202, MONROE, NY 109500000.	0	39,655
TOWN OF COLONIE .....	MEMORIAL TOWN HALL, COLONIE, NY 121280000 .....	0	33,850
CITY OF FULTON .....	MUNICIPAL BUILDING, FULTON, NY 130690000 .....	0	27,037
TOWN OF UNION COMMUNITY DEVELOPMENT .....	3111 EAST MAIN ST, ENDWELL, NY 137600000 .....	0	23,180
JEFFERSON METROPOLITAN HSG. AUTH. ....	815 NORTH SIXTH STREET, STEUBENVILLE, OH 439520000.	0	30,900
CAMBRIDGE METROPOLITAN HSG. AUTH. ....	PO BOX 744, CAMBRIDGE, OH 437250744 .....	0	23,935
WARREN MET HA .....	PO BOX 63, LEBANON, OH 450360000 .....	0	24,570
CLINTON METROPOLITAN HOUSING AUTH .....	478 THORNE AVENUE, WILMINGTON, OH 451770000	0	18,823
FAYETTE METRO HSG AUTH .....	101 E. EAST STREET, WASHINGTON, C.H., OH 43160	0	23,830
PICKAWAY METROPOLITAN HOUSING AUTH .....	176 RUSTIC DRIVE, CIRCLEVILLE, OH 431130000 .....	0	26,420
PIKE METROPLITAN HA .....	2626 SHYVILLE ROAD, PIKETON, OH 456610000 .....	0	34,826
TUSCARAWAS MHA .....	125 EAST HIGH, NEW PHILADELPHIA, OH 44663 .....	0	33,674
CITY OF MIDDLETOWN .....	ATTENTION: GREGORY DIXON, MIDDLETOWN, OH 450420000, ONE CIVIC CENTRE PLAZA.	0	17,996
LOGAN COUNTY MHA .....	105 W HIGH ST, BELLEFONTAINE, OH 433110000 .....	0	26,855
DELAWARE METRO HOUSING AUTHORITY .....	PO BOX 1292, DELAWARE, OH 430150000 .....	0	37,080
MORROW, METRO. HSG. AUTH .....	MORROW METROPOLITAN HOUSING AUTH, MANSFIELD, OH 449020000, PO BOX 1029.	0	29,664
BROKEN BOW HOUSING AUTHORITY .....	PO BOX 177, BROKEN BOW, OK 747280000 .....	0	15,831
STILLWATER HOUSING AUTHORITY .....	807 S. LOWRY, STILLWATER, OK 740740000 .....	0	28,715
HSG AUTH OF DOUGLAS COUNTY .....	PO BOX 966, ROSEBURG, OR 974700000 .....	0	25,634
H.A. OF LINCOLN COUNTY .....	1039 NW HYE ST, NEWPORT, OR 973650000 .....	0	28,840
H.A. OF MALHEUR CO .....	959 FORTNER ST, ONTARIO, OR 979140000 .....	0	18,830
NORTHWEST OREGON HOUSING ASSOC .....	1508 EXCHANGE, ASTORIA, OR 971030000 .....	0	21,048
CENTRAL ORE REG HA .....	2445 SW CANAL BLVD, REDMOND, OR 977560000 .....	0	25,108
HARRISBURG HOUSING AUTHORITY .....	PO BOX 3461, HARRISBURG, PA 171013461 .....	0	37,780
MONTOUR COUNTY HOUSING AUTHORITY .....	ONE BEAVER PLACE, DANVILLE, PA 178210000 .....	0	39,573
WILKES-BARRE HOUSING AUTHORITY .....	LINCOLN PLAZA S. WILKES-BARRE, WILKES-BARRE, PA 197020000.	0	35,278
INDIANA COUNTY HOUSING AUTHORITY .....	104 PHILADELPHIA STREET, INDIANA, PA 157010000	0	14,997
NORTHUMBERLAND COUNTY HOUSING AUTH .....	50 MAHONING STREET, MILTON, PA 178470000 .....	0	41,200
BERKS COUNTY HOUSING AUTHORITY .....	1803 BUTTER LANE, READING, PA 196060000 .....	0	25,750
NORTHAMPTON COUNTY HOUSING AUTH .....	PO BOX 252, NAZARETH, PA 180640000 .....	0	41,200
CENTRAL FALLS H A .....	30 WASHINGTON ST, CENTRAL FALLS, RI 028630000	0	26,611
EAST PROVIDENCE H A .....	99 GOLDSMITH AVE, EAST PROVIDENCE, RI 02914 ..	0	40,685
SOUTH KINGSTON HOUSIN AUTHORITY .....	PO BOX 6, PEACE DALE, RI 028830000 .....	0	41,200
NORTH PROVIDENCE HOUSING AUTHORITY .....	945 CHARLES STREET, NORTH PROVIDENCE, RI 02904.	0	30,900
EAST GREENWICH H A .....	146 FIRST AVE, EAST GREENWICH, RI 028180000 .....	0	23,453
NARRAGANSETT HOUSING AUTHORITY .....	PO BOX 388, 25 FIFTH AVENUE, NARRAGANSETT, RI 028820000.	0	24,926
MUNICIPALITY OF HORMIGUEROS .....	PO BOX 97, HORMIGUEROS, PR 006600000 .....	0	40,925
MUNICIPALITY OF ADJUNTAS .....	CALLE RIUE RIVERA-ESQUINA SAN, ADJUNTAS, PR 006010000, JOAQUIN, PO BOX 1009.	0	\$18,231
MUNICIPALITY OF ISABELA .....	PO BOX 507, ISABELA, PR 006620000 .....	0	11,000
MUNICIPALITY OF AGUAS BUENAS .....	BOX 128, AGUAS BUENAS, MUNICI, RQ 00607 .....	0	11,742
HA CONWAY .....	2303 LEONARD AVENUE, CONWAY, SC 295260000 .....	0	14,993
HA ANDERSON .....	1335 E RIVER STREET, ANDERSON, SC 296210000 ..	0	28,093
MADISON HSG & REDEV. ....	111 S. WASHINGTON AVE., MADISON, SD 570420000	0	9,052
BROOKINGS HSG & REDEVELOPMENT COMM .....	311 3RD AVENUE, BROOKINGS, SD 570060000 .....	0	18,540
MOBRIDGE H & R COMM .....	PO BOX 370, MOBRIDGE, SD 576010000 .....	0	22,042
SE TN HUMAN RESOURCE AGENCY .....	PO BOX 805, DUNLAP, TN 373270000 .....	0	39,552
TEXARKANAS HOUSING AUTHORITY .....	BOX 5766, TEXARKANA, TX 755055766 .....	0	31,854
LUBBOCK HOUSING AUTHORITY .....	PO BOX 2568, LUBBOCK, TX 794080000 .....	0	22,500
LUBBOCK HOUSING AUTHORITY .....	PO BOX 2568, LUBBOCK, TX 7940800000 .....	0	23,175
CENTER HOUSING AUTHORITY .....	1600 SWEETGUM TRAIL, CENTER, TX 759350000 .....	0	24,000
CENTER HOUSING AUTHORITY .....	1600 SWEETGUM TRAIL, CENTER, TX 759350000 .....	0	24,720
PHARR HOUSING AUTHORITY .....	211 W AUDREY, PHARR, TX 785770000 .....	0	37,338
KINGSVILLE HSG. AUTHORITY .....	1000 W CORRAL, KINGSVILLE, TX 783630000 .....	0	34,814
PLANO HOUSING AUTHORITY .....	1581 AVENUE K., PLANO, TX 750740000 .....	0	29,911
HSG AUTH CITY OF TATUM .....	PO BOX 1066, TATUM, TX 756910000 .....	0	8,734
GARLAND (CITY OF) .....	PO BOX 4690002, GARLAND, TX 750469002 .....	0	32,136
ANTHONY HSG AUTHORITY .....	PO DRAWER 17450, ANTHONY, TX 7968210000 .....	0	22,243
SAN ANGELO PUBLIC HOUSING AUTHORITY .....	PO BOX 1751, SAN ANGELO, TX 769020000 .....	0	27,278
SAN ANGELO PUBLIC HOUSING AUTHORITY .....	PO BOX 1751, SAN ANGELO, TX 769020000 .....	0	28,096
TRAVIS COUNTY HOUSING AUTHORITY .....	PO BOX 1748, AUSTIN, TX 787670000 .....	0	30,900
HIDALGO COUNTY HOUSING AUTHORITY .....	1800 N. TEXAS BLVD., WESLACO, TX 785960000 .....	0	28,552
MIDLAND COUNTY HSG AUTHORITY .....	218 WEST ILLINOIS, ROOM 108, MIDLAND, TX 797010000.	0	30,734

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
PROVO CITY HSG AUTH .....	650 WEST 100 NORTH, PROVO, UT 846010000 .....	0	24,530
UTAH PAIUTE HOUSING AUTHORITY .....	600 NORTH 100 EAST, CEDAR CITY, UT 847200000 ...	0	35,844
GRAND COUNTY HOUSING AUTHORITY .....	PO BOX 729, MOAB, UT 845320000 .....	0	11,124
WEST VALLEY CITY HOUSING AUTHORITY .....	3600 CONSTITUTION BLVD, WEST VALLEY CITY, UT 84119.	0	28,105
CEDAR CITY HOUSING AUTHORITY .....	PO BOX 1721, CEDAR CITY, UT 847210000 .....	0	26,780
PORTSMOUTH REDEVELOPMENT & H/A .....	339 HIGH STREET, PO BOX 1098, PORTSMOUTH, VA 237050000.	0	26,294
CUMBERLAND PLATEAU REGIONAL H/A .....	PO BOX 1328, LEBANON, VA 242660000, MEMORIAL DRIVE.	0	29,231
LEE COUNTY HOUSING AUTHORITY .....	PO BOX 665, JONESVILLE, VA 242630000 .....	0	29,458
COUNTY OF ALBEMARLE/DEPT. OF FINANCE .....	401 MCINTIRE ROAD, CHARLOTTESVILLE, VA 229024596.	0	36,926
CITY OF VIRGINIA BEACH .....	MUNICIPAL CENTER, VIRGINIA BEACH, VA 234560000.	0	29,452
BURLINGTON HOUSING AUTHORITY .....	230 ST PAUL STREET, BURLINGTON, VT 054010000 .	0	31,265
BARRE HOUSING AUTHORITY .....	455 NORTH MAIN STREET, BARRE, VT 056410000 .....	0	21,424
HA COUNTY OF CLALLAM .....	2603 SOUTH FRANCIS, PORT ANGELES, WA 983620000.	0	37,408
HA CITY OF KENNEWICK .....	421 S TACOMA, KENNEWICK, WA 993360000 .....	0	37,080
HA OF GRANT COUNTY .....	1139 LARSON BLVD, MOSES LAKE, WA 988370000 ....	0	36,668
KITSAP COUNTY CONSOLIDATED HA .....	9265 BAYSHORE DR NW, SILVERDALE, WA 983830000.	0	40,147
WENATCHEE HOUSING AUTHORITY .....	236 N MISSION, WENATCHEE, WA 988010000 .....	0	30,348
HOUSING AUTHORITY CITY OF RICHLAND .....	PO BOX 190, RICHLAND, WA 993520000 .....	0	34,945
HSG AUTHORITY OF JEFFERSON COUNTY .....	802 SHERIDAN, 3RD FLOOR, PORT TOWNSEND, WA 983680000.	0	25,103
DUNN COUNTY HOUSING AUTH .....	525 2ND ST., GLENWOOD CITY, WI 540130000 .....	0	18,623
BENWOOD HOUSING AUTHORITY .....	13TH AND HIGH STREETS, BENWOOD, WV 260310000.	0	27,192
ROCK SPRINGS HSG AUTHORITY .....	212 D STREET, ROCK SPRINGS, WY 829010000 .....	0	20,600
CASPER HSG AUTH .....	1985 EAST A STREET, CASPER, WY 826010000 .....	0	16,569
DOTHAN H/A .....	PO BOX 1727, DOTHAN, AL 363020000 .....	0	13,230
HA LEEDS .....	PO BOX 513, LEEDS, AL 350940000 .....	0	23,163
HA OZARK .....	PO BOX 566, OZARK, AL 363610000 .....	0	26,600
HA ALBERTVILLE .....	PO BOX 1126, ALBERTVILLE, AL 35950 .....	0	29,865
HA BESSEMER .....	1100 5TH AVENUE NORTH, BESSEMER, AL 350200000.	0	12,807
HA JACKSONVILLE .....	895 GARDNER DRIVE, JACKSONVILLE, AL 36265 .....	0	25,000
HA NORTHPORT .....	PO DRAWER 349, NORTHPORT, AL 354760000 .....	0	10,524
NW REGIONAL HSG AUTHORITY .....	PO BOX 699, HARRISON, AR 726020699 .....	0	26,000
HOPE HOUSING AUTHORITY .....	720 TEXAS STREET, HOPE, AR 718010000 .....	0	15,514
SILOAM SPRINGS HSG AUTH .....	PO BOX 280, SILOAM SPRINGS, AR 727 .....	0	25,800
HARRISON HOUSING AGENCY .....	PO BOX 1715, HARRISON, AR 726010000 .....	0	21,000
MISSISSIPPI COUNTY PFB .....	808 W KEISER, OSCEOLA, AR 723700000 .....	0	24,625
CITY OF CHANDLER .....	99 N. DELAWARE STREET, CHANDLER, AZ 852250000.	0	33,913
CITY OF BULLHEAD CITY .....	PO BOX 21179, BULLHEAD CITY, AZ 8643, 1255 MARINA BOULEVARD.	0	30,053
UPLAND CITY HOUSING AUTH .....	1226 N CAMPUS AVE, UPLAND, CA 917860000 .....	0	28,041
CITY OF FAIRFIELD .....	FAIRFIELD, CA 94533000, 1000 WEBSTER .....	0	35,631
CITY OF CARLSBAD .....	CARLSBAD, CA 920080000, 1200 CARLSBAD VILLAGE D.	0	24,180
YUBA COUNTY HOUSING AUTHORITY .....	938 14TH STREET, MARYSVILLE, CA 9590100 .....	0	37,831
CITY OF PICO RIVERA .....	PICO RIVERA, CA 906600, 6615 PASSONS BLVD .....	0	39,927
CITY OF ROSEVILLE .....	ROSEVILLE, CA 95678000, 311 VERNON STREET .....	0	38,747
COUNTY OF SOLANO HSG AUTH .....	FAIRFIELD, CA 94533000, COURTHOUSE ANNEX .....	0	39,000
CITY OF LAKEWOOD .....	LAKEWOOD, CA 907120000, 5050 N CLARK AVE .....	0	39,986
FORT COLLINS HSG AUTH .....	1717 W. MOUNTAIN AVE., FORT COLLINS, CO 80521	0	25,849
CITY OF ENGLEWOOD HOUSING AUTHORITY .....	3460 SOUTH SHERMAN ST. SUITE 1, ENGLEWOOD, CO 80110000.	0	37,627
CITY OF ARVADA .....	8101 RALSTON ROAD, ARVADA, CO 800020000 .....	0	28,800
MONTROSE COUNTY HOUSING AUTHORITY .....	PO BOX 1333, MONTROSE, CO 814020000 .....	0	27,180
GARFIELD COUNTY HOUSING AUTHORITY .....	406 SOUTH HYLAND PARK DRIVE, GLENWOOD SPRINGS, CO 8, SUITE D.	0	35,000
NORWALK HOUSING AUTHORITY .....	24½ MONROE STREET, SOUTH NORWALK, CT 0685	0	33,462
HARTFORD HOUSING AUTHORITY .....	475 FLATBUSH AVENUE, HARTFORD, CT 061060000 .	0	39,848
MIDDLETOWN HOUSING AUTHORITY .....	40 BROAD STREET, MIDDLETOWN, CT 0645700 .....	0	39,782
MERIDEN HOUSING AUTHORITY .....	22 CHURCH STREET, MERIDEN, CT 064500000 .....	0	40,000
ANSONIA HOUSING AUTHORITY .....	75 CENTRAL STREET, ANSONIA, CT 064010000 .....	0	30,000

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
MILFORD HOUSING AUTHORITY .....	75 DEMAIO DRIVE, MILFORD, CT 064600000, PO BOX 4123.	0	40,000
DOVER HOUSING AUTHORITY .....	1266-76 WHITE OAK ROAD, DOVER, DE 199010000 ..	0	26,250
HA DAYTONA BEACH .....	118 CEDAR ST, DAYTONA BEACH, FL 3211 .....	0	29,505
PANAMA CITY HSG AUTH .....	804 E 15TH STREET, PANAMA CITY, FL 324050 .....	0	22,064
HA PUNTA GORDA .....	PO BOX 1146, PUNTA GORDA, FL 339500 .....	0	25,696
HA ALACHUA COUNTY .....	636 N E 1ST STREET, GAINESVILLE, FL 326010 .....	0	25,240
HA DELAND .....	300 SUNFLOWER CIRCLE, DE LAND, FL 327240000 ..	0	26,610
WALTON CO BD OF CO COMM .....	PO BOX 1258, DE FUNIAK SPRINGS, FL .....	0	31,211
COUNTY OF VOLUSIA .....	123 WEST INDIANA, DE LAND, FL 327200000 .....	0	34,357
HERNANDO COUNTY HOUSING AUTHOR .....	820 KENNEDY BLVD., BROOKSVILLE, FL 326010 .....	0	18,284
COLLIER COUNTY HA .....	1800 FARM WORKER WAY, IMMOKALEE, FL 33934000.	0	32,125
CITRUS COUNTY HOUSING SERVICES .....	1300 S. LECANTO HIGHWAY, LECANTO, FL 344610000.	0	24,305
OTTUMWA HOUSING AUTHORITY .....	102 WEST FINLEY AVENUE, OTTUMWA, IA 525010000.	0	29,388
MUNICIPAL HOUSING AGENCY .....	119 SOUTH MAIN ST, COUNCIL BLUFFS, IA 515, SUITE #200.	0	28,870
FORT DODGE HOUSING AGENCY .....	700 SOUTH 17TH STREET, FORT DODGE, IA 5050100	0	37,031
NORTH IOWA REGIONAL HOUSING AUTH .....	121 THIRD STREET NW, MASON CITY, IA 5040100 .....	0	30,000
NORTHWEST IOWA REGIONAL HSG AUTH .....	PO BOX 6207, SPENCER, IA 513010000 .....	0	29,536
UPPER EXPLORERLAND REGIONAL .....	HOUSING AUTHORITY, POSTVILLE, IA 52162000, 134 W. GREENE ST.	0	34,000
CENTRAL IOWA REGIONAL HOUSING AUTH .....	1111 NINTH STREET, DES MOINES, IA 5031400, SUIT 240.	0	28,992
IOWA NORTHLAND REGIONAL HSG AUTH .....	213 E 4TH STREET, WATERLOO, IA 507030000 .....	0	33,724
KENDALL COUNTY HSG AUTH .....	111 W. MADISON ST., YORKVILLE, IL 60560000 .....	0	8,000
LEADERSHIP COUNCIL MET .....	LEADERSHIP COUNCIL METRO OPEN, CHICAGO, IL 606051289, 401 S STATE ST SUITE 86.	0	39,460
VINCENNES HA .....	501 HART ST PO BOX 1636, VINCENNES, IN 47591000.	0	20,762
HA DELAWARE COUNTY .....	2401 S HADDIX AVENUE, MUNCIE, IN 473020000 .....	0	24,200
HOUSING AUTHORITY CITY OF SULLIVAN .....	200 NORTH COURT STREET, SULLIVAN, IN 47882 .....	0	22,879
HOUSING AUTHORITY OF THE CITY OF MARION .....	601 SOUTH ADAMS STREET, MARION, IN 469530000	0	27,363
HOUSING AUTHORITY OF KNOX COUNTY .....	TILLY ESTATES-OFFICE, BICKNELL, IN 475120000 ....	0	22,000
HA PERU .....	701 E MAIN ST, PERU, IN 469700000 .....	0	26,130
THE HOUSING AUTHORITY OF THE CITY OF GOSHEN .....	GOSHEN, IN 46526, 302 S 5TH STREET .....	0	28,340
FORT SCOTT HOUSING AUTHORITY .....	315 SCOTT AVE PO BOX 269, FORT SCOTT, KS 6670100.	0	10,700
MANHATTAN HOUSING AUTHORITY .....	PO BOX 1024, 300 N 5TH, MANHATTAN, KS 66502000	0	27,150
ECKAN .....	PO BOX 110, OTTAWA, KS 660670000 .....	0	32,400
SOUTHWEST KANSAS AREA AGENCY ON .....	AGING, INC., DODGE CITY, KS 6780100, PO BOX 1636.	0	30,000
HA FRANKFORT .....	590 WALTER TODD DRIVE, FRANKFORT, KY 40601000.	0	9,484
HA FRANKFORT .....	590 WALTER TODD DRIVE, FRANKFORT, KY 40601000.	0	3,160
H A SOMERSET .....	PO BOX 449, SOMERSET, KY 425010000 .....	0	22,276
H A SOMERSET .....	PO BOX 449, SOMERSET, KY 425010000 .....	0	7,424
HA CYNTHIANA .....	PO BOX 351, CYNTHIANA, KY 41031000 .....	0	16,613
HA GEORGETOWN .....	139 SCROGGIN PARK, GEORGETOWN, KY 4032400 ..	0	7,800
PIKE COUNTY HOUSING AUTHORITY .....	PO BOX 1468, PIKEVILLE, KY 41501000 .....	0	9,727
PIKE COUNTY HOUSING AUTHORITY .....	PO BOX 1468, PIKEVILLE, KY 41501000 .....	0	29,177
CITY OF PADUCAH .....	PO BOX 2267, PADUCAH, KY 420022267 .....	0	7,373
CITY OF PADUCAH .....	PO BOX 2267, PADUCAH, KY 420022267 .....	0	22,117
HA FLOYD COUNTY .....	PO BOX 687, PRESTONSBURG, KY 41653 .....	0	28,524
HA FLOYD COUNTY .....	PO BOX 687, PRESTONSBURG, KY 41653 .....	0	5,704
APPALACHIAN FOOTHILLS HSG AGENCY .....	1448 DIEDERICH BLVD, RUSSELL, KY 411690000 .....	0	27,689
CITY OF BOWLING GREEN .....	PO BOX 430, BOWLING GREEN, KY 4210 .....	0	27,814
CALCASIEU PARISH POLICE JURY .....	PO DRAWER 3287, LAKE CHARLES, LA 70602 .....	0	25,447
IBERIA PARISH POLICE JURY .....	300 IBERIA STREET, SUITE 400, NEW IBERIA, LA 7056045.	0	29,840
PORT ALLEN (CITY OF) .....	PO BOX 468, PORT ALLEN, LA 7076700 .....	0	17,966
TERREBONNE PARISH COUNCIL .....	PO BOX 6097, HOUMA, LA 703610000 .....	0	28,865
WEBSTER PARISH POLICE JURY .....	PO BOX 389, MINDEN, LA 710550000 .....	0	20,782
WASHINGTON PARISH HSG AUTHORITY .....	PO BOX 167, VARNADO, LA 704670000 .....	0	16,371
WOBURN HOUSING AUTHORITY .....	59 CAMPBELL STREET, WOBURN, MA 018010000 .....	0	40,000
GLOUCESTER HOUSING AUTHORITY .....	PO BOX 1599, GLOUCESTER, MA 0193115 .....	0	29,108
EVERETT HSG AUTHORITY .....	90 CHELSEA ST, EVERETT, MA 021490000 .....	0	27,222
BROOKLINE HOUSING AUTHORITY .....	90 LONGWOOD AVE, BROOKLINE, MA 02146000 .....	0	36,452



## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
SHREWSBURY HOUSING AUTHORITY .....	36 NORTH QUINSIGAMOND AVENUE, SHREWSBURY, MA 0154500.	0	24,012
ARLINGTON HSG AUTHORITY .....	4 WINSLOW ST, ARLINGTON, MA 02174000 .....	0	24,997
PEABODY HSG AUTHORITY .....	75-81 CENTRAL ST, PEABODY, MA 019600000 .....	0	30,875
SALEM HOUSING AUTHORITY .....	27 CHARTER STREET, SALEM, MA 019700000 .....	0	40,000
ACTON HSG AUTHORITY .....	PO BOX 681, ACTON, MA 017200000 .....	0	29,877
PLYMOUTH HOUSING AUTHORITY .....	PO BOX 3537, PLYMOUTH, MA 023610000 .....	0	29,348
MELROSE HSG AUTHORITY .....	910 MAIN ST, MELROSE, MA 021760000 .....	0	20,238
MILFORD HOUSING AUTHORITY .....	45 BIRMINGHAM COURT, MILFORD, MA 017570000 ...	0	16,493
HOLBROOK HSG AUTHORITY .....	ONE HOLDBROOK COURT, HOLBROOK, MA 022430000.	0	25,350
WAKEFIELD H A .....	26 CRESCENT ST, WAKEFIELD, MA 01880000 .....	0	23,100
READING HSG AUTHORITY .....	22 FRANK D TANNER DRIVE, READING, MA 018670000.	0	23,250
ANDOVER HSG AUTHORITY .....	100 MORTON ST, ANDOVER, MA 018100000 .....	0	19,305
LEOMINSTER HSG AUTHORITY .....	100 MAIN ST, LEOMINSTER, MA 0145300 .....	0	40,000
GREENFIELD HSG AUTHORITY .....	ONE ELM TERRACE, GREENFIELD TOWN, MA 01 .....	0	25,000
SAUGUS HSG AUTHORITY .....	19 TALBOT ST, SAUGUS, MA 019060000 .....	0	27,050
WAYLAND HOUSING AUTHORITY .....	106 MAIN STREET, WAYLAND, MA 017780000 .....	0	25,000
NORTH ANDOVER HOUSING AUTHORITY .....	PO BOX 373, NORTH ANDOVER, MA 0184 .....	0	21,965
NORWOOD HSG AUTHORITY .....	40 WILLIAM SHYNE CIRCLE, NORWOOD, MA 020620000.	0	33,153
GARDNER HSG AUTHORITY .....	116 CHURCH ST, GARDNER, MA 014400000 .....	0	11,900
MANSFIELD HSG AUTHORITY .....	22 BICENTENNIAL COURT, MANSFIELD TOWN, MA 020.	0	21,450
DENNIS HSG AUTHORITY .....	167 CENTER ST, DENNIS TOWN, MA 026600 .....	0	30,000
HANSON HOUSING AUTHORITY .....	MEETINGHOUSE LANE, HANSON, MA 023410000 .....	0	21,060
NORTH ATTLEBOROUGH HSG AUTHORITY .....	PO BOX 668, NORTH ATTLEBOROUGH, MA .....	0	25,836
HAGERSTOWN HOUSING AUTHORITY .....	P.O. BOX 2859, HAGERSTOWN, MD 2174128 .....	0	39,602
HOUSING AUTHORITY OF THE CITY OF R .....	14 MOORE DRIVE, ROCKVILLE, MD 208500000 .....	0	38,000
ST MARY'S COUNTY COMMISSIONERS .....	P.O. BOX 653, GOVT CENTER, LEONARDTOWN, MD 206500.	0	37,849
CALVERT COUNTY HOUSING AUTHORITY .....	420 WEST DARES BEACH ROAD, PRINCE FREDERICK, MD 2.	0	32,000
CITY OF WESTMINSTER .....	PO BOX 010, CITY HALL, WESTMINSTER, MD 211570	0	23,262
WASHINGTON COUNTY HOUSING AUTHORITY .....	33 WEST WASHINGTON STREET, HAGERSTOWN, MD 2174000.	0	28,193
CECIL COUNTY HOUSING AGENCY .....	COURT HOUSE, ROOM 122, ELKTON, MD 219210000	0	32,601
CARROLL COUNTY HSG & COMMUNITY DEV .....	125 NORTH COURT STREET, WESTMINSTER, MD 211570.	0	28,772
BANGOR HOUSING AUTHORITY .....	161 DAVIS ROAD, BANGOR, ME 044010000 .....	0	31,691
WESTBROOK HOUSING AUTHORITY .....	P.O. BOX 349, WESTBROOK, ME 04092000 .....	0	31,700
SOUTH PORTLAND HOUSING AUTHORITY .....	51 LANDRY CIRCLE P.O. BOX 2128, SOUTH PORTLAND, ME 041.	0	31,250
MOUNT DESERT HOUSING AUTHORITY .....	15 EAGLE LAKE ROAD, BAR HARBOR, ME 0460900 ...	0	30,175
CARIBOU HSG AUTHORITY .....	25 HIGH ST, CARIBOU, ME 047360000 .....	0	31,200
AUGUSTA HSG AUTHORITY .....	18 CONY ST, AUGUSTA, ME 043300000, CITY CENTER PLAZA.	0	22,113
SAGINAW HSG COMM. ....	2811 DAVENPORT, BOX A, SAGINAW, MI 486020000 .	0	33,550
CITY OF JACKSON .....	161 WEST MICHIGAN AVENUE, JACKSON, MI 492010000, ATTENTION: MS. BARBARA.	0	20,670
LANSING HOUSING COMMISSION .....	310 SEYMOUR, LANSING, MI 489330000 .....	0	14,560
CITY OF MUSKEGON .....	933 TERRACE STREET, MUSKEGON, MI 49443000, PO BOX 536.	0	34,933
CITY OF WYOMING .....	1155 28TH STREET, SW, WYOMING, MI 495090000, ATTENTION: MR. JOHN SCH.	0	40,000
CITY OF WESTLAND .....	32175 DORSEY ROAD, WESTLAND, MI 481850000, ATTENTION: MR. JAMES GI.	0	35,152
TOWNSHIP OF REDFORD .....	12121 HEMINGWAY, REDFORD TWP, MI 482390, ATTENTION: MR. SIDNEY B.	0	27,040
COUNTY OF KENT .....	4326 CASCADE ROAD, SE, GRAND RAPIDS, MI 49546, ATTENTION: MS. CHARLOTT.	0	30,467
WAYNE COUNTY .....	RAYMOND J. WOJOWICZ, DETROIT, MI 482262942 ..	0	40,000
WINONA HRA .....	WAYNE COUNTY TREASURER, 165 EAST FOURTH ST., WINONA, MN 559873514.	0	10,516
SOUTH ST PAUL HRA .....	125 SOUTH THIRD AVENUE, SOUTH ST. PAUL, NM 550.	0	32,461
BRAINERD HRA .....	304 EAST RIVER ROAD, BRAINERD, MN 564013551, SUITE 2.	0	32,461
ALBERT LEA HRA .....	221 E. CLARK STREET, ALBERT LEA, MN 5600724 .....	0	8,000
OLMSTED COUNTY HRA .....	2116 CAMPUS DRIVE SE, ROCHESTER, MN 55904474	0	16,016

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
BLOOMINGTON HHA .....	2215 W. OLD SHAKOPEE RD., BLOOMINGTON, MN 554310.	0	28,000
NW MN MULTI-COUNTY HRA .....	PO BOX 128, MENTOR, MN 567360128 .....	0	26,000
KANDIYOHI COUNTY HRA .....	HEARTLAND CAA, BOX 1359, WILLMAR, MN 562010000.	0	30,000
SCOTT COUNTY HRA .....	16049 FRANKLIN TRAIL S.E., PRIOR LAKE, MN 5537200.	0	20,218
SOUTHEAST MN MULTI-COUNTY HRA .....	134 EAST SECOND STREET, WABASHA, MN 559810000.	0	26,291
WASHINGTON COUNTY HRA .....	321 BROADWAY AVE., ST. PAUL PARK, MN 5507 .....	0	17,976
SOUTH CENTRAL MULTI COUNTY HRA .....	410 JACKSON STREET, MANKATO, MN 560010000 ....	0	30,000
ST CHARLES HOUSING AUTHORITY .....	1014 OLIVE ST, ST CHARLES, MO 6330100 .....	0	21,216
LIBERTY HOUSING AUTHORITY .....	PO BOX 159, LIBERTY, MO 640680000, 101 E. KANSAS.	0	27,450
RIPLEY COUNTY PHA .....	3019 FAIR STREET, POPLAR BLUFF, MO 63901, PO BOX 1183.	0	23,023
ECONOMIC SECURITY CORP SW AREA .....	ATTN: DEBBI MARKHAM, JOPLIN, MO 648020000, PO BOX 207.	0	20,700
BILLINGS HSG AUTH .....	2415 1ST AVE NORTH, BILLINGS, MT 591010000 .....	0	21,046
GREAT FALLS HSG AUTH .....	1500 SIXTH AVE. SOUTH, GREAT FALLS, MT 594050 .	0	27,352
HELENA HSG AUTH .....	812 ABBEY ST, HELENA, MT 596010000 .....	0	38,783
MISSOULA HOUSING AUTH .....	1319 E. BROADWAY, MISSOULA, MT 598020000 .....	0	30,000
CITY OF CONCORD .....	PO BOX 308, CONCORD, NC 280250000 .....	0	11,941
HA LAURINBURG .....	PO BOX 1437, LAURINBURG, NC 2835200 .....	0	33,463
H/A CITY OF GREENVILLE .....	PO BOX 1426, GREENVILLE, NC 2783500 .....	0	26,105
HA SANFORD .....	PO BOX 636, SANFORD, NC 27331000 .....	0	32,000
HA STATESVILLE .....	433 S. MEETING STREET, STATESVILLE, NC 28677 ...	0	24,605
HA MIDEAST REGIONAL .....	PO BOX 474, WASHINGTON, NC 27889 .....	0	20,096
TOWN OF EAST SPENCER .....	PO BOX 367, EAST SPENCER, NC 28039 .....	0	30,825
SANDHILLS COMM ACTION PROG INC .....	PO BOX 937, CARTHAGE, NC 283270000 .....	0	26,620
MOUNTAIN PROJECTS, INC .....	RT. 1, BOX 732, WAYNESVILLE, NC 287860 .....	0	25,080
STUTSMAN COUNTY HOUSING AUTHORITY .....	217 1ST AVENUE N., JAMESTOWN, ND 58401000 .....	0	24,500
KEARNEY HOUSING AUTHORITY .....	2715 AVE I, KEARNEY, NE 688470000 .....	0	20,300
NORFOLK HOUSING AUTHORITY .....	111 S. FIRST STREET, NORFOLK, NE 687010000 .....	0	26,000
BELLEVUE HOUSING AUTHORITY .....	8214 ARMSTRONG CIRCLE, OMAHA, NE 681470000 ..	0	23,600
NORTHEAST NEBRASKA JOINT HSG AUTH .....	520 PIERCE STREET, SUITE 400, SIOUX CITY, IA 51102.	0	25,600
GOLDENROD JOINT HSG AUTH .....	PO BOX 280, WISNER, NE 687690000 .....	0	22,950
CENTRAL NEBRASKA JOINT HSG AUTH .....	PO BOX 509, LOUP CITY, NE 68853000 .....	0	21,400
LACONIA HOUSING & REDEVELOPMENT AUTH .....	25 UNION AVE, LACONIA, NH 032460000 .....	0	31,700
KEENE HOUSING AUTHORITY .....	105 CASTLE STREET, KEENE, NH 034310000 .....	0	31,981
LONG BRANCH HA .....	PO BOX 336, LONG BRANCH, NJ 077400 .....	0	40,000
WOODBRIIDGE HA .....	10 BUNNS LANE, WOODBRIDGE, NJ 0709500 .....	0	28,497
RED BANK HA .....	PO BOX 2158 EVERGREEN TERRACE, RED BANK, NJ 077010000.	0	28,500
NEPTUNE HA .....	BOX 726, NEPTUNE, NJ 077530000 .....	0	32,000
GLASSBORO HA .....	737 LINCOLN BLVD PO BOX 563, GLASSBORO, NJ 08028000.	0	26,621
BOONTON HA .....	125 CHESTNUT STREET, BOONTON, NJ 070050000 ...	0	40,000
LAKEWOOD HA .....	PO BOX 1543, LAKEWOOD, NJ 087010000 .....	0	40,000
BERKLEY TOWNSHIP HOUSING AUTHORITY .....	44 FREDERICK DR., BAYVILLE, NJ 08721 .....	0	34,000
MILLVILLE HA .....	PO BOX 122 E MAIN STREET, MILLVILLE, NJ 08332000.	0	30,038
BRICK HA .....	165 CHAMBERS BRIDGE ROAD, BRICK, NJ 087230000.	0	39,800
DOVER HA .....	215 EAST BLACKWELL STREET, DOVER, NJ 078010000.	0	39,200
FORT LEE HA .....	1403 TERESA DRIVE, FORT LEE, NJ 070240000 .....	0	40,000
WEEHAWKEN HA .....	525 GREGORY AVENUE, WEEHAWKEN, NJ 07087000 ..	0	39,600
HUNTERDON COUNTY HA .....	8 GAUNTT PL. RT. 31, FLEMINGTON, NJ 0882200 .....	0	40,000
TOWNSHIP OF MONTCLAIR HA .....	205 CLAREMONT AVENUE, MONTCLAIR, NJ 07042000.	0	40,000
BLOOMFIELD TOWNSHIP HA .....	MUNICIPAL PLAZA, BLOOMFIELD, NJ 0700300 .....	0	40,000
LAS CRUCES HSG AUTHORITY .....	926 S SAN PEDRO, LAS CRUCES, NM 8800100 .....	0	23,390
TRUTH OR CONSEQUENCES HSG AUTHORITY .....	108 SOUTH CEDAR STREET, TRUTH OR CONSEQUENCE, NM.	0	19,800
SANTA FE COUNTY HSG AUTHORITY .....	52 CAMINO DE JACOBO, SANTA FE, NM 875050000 ..	0	33,150
COUNTY OF DONA ANA .....	430 SOUTH MAIN STREET, LAS CRUCES, NM 8800112, ROOM 103.	0	32,950
REGION IV HOUSING AUTHORITY .....	104 WEST SECOND STREET, CLOVIS, NM 881010000 ..	0	27,800
CLOVIS HOUSING AUTHORITY .....	PO BOX 1240, CLOVIS, NM 881010000 .....	0	27,900

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
HA OF PLATTSBURGH .....	19 OAK STREET, PLATTSBURGH, NY 129010 .....	0	27,232
HA OF COHOES .....	DR JAY MCDONALD TOWERS REMSEN, COHES, NY 120470000.	0	33,750
CITY OF OWSWGO .....	CITY HALL, OSWEGO, NY 131260000 .....	0	24,000
HA OF GREENBURGH .....	9 MAPLE STREET, WHITE PLAINS, NY 10603 .....	0	40,000
HA OF HORNELL .....	71 CHURCH STREET, HORNELL, NY 148430000 .....	0	33,908
HA OF MONTICELLO .....	76 EVERGREEN DRIVE, MONTICELLO, NY 1270100 .....	0	40,000
HA OF NORTH HEMPSTEAD .....	POND HILL ROAD, GREAT NECK, NY 1102000 .....	0	33,970
HA OF NEW ROCHELLE .....	50 SICKLES AVENUE, NEW ROCHELLE, NY 10801 .....	0	31,000
TOWN OF YORKTOWN .....	PO BOX 703, YORKTOWN HEIGHTS, NY 1, 363 UNDERHILL AVENUE.	0	32,000
CITY OF POUGHKEEPSIE MUNICIPAL BLDG .....	MEMORIAL SQUARE, PO BOX 300, POUGHKEEPSIE, NY 12602.	0	32,500
NORTH FORK HSG ALLIANCE INC .....	110 SOUTH STREET, GREENPORT, NY 11944000 .....	0	37,200
TOWN OF SMITHTOWN .....	99 WEST MAIN STREET, PO BOX 5 SMITHTOWN, NY 11787000.	0	38,500
VILLAGE OF KIRYAS JOEL HOUSING AUTH .....	500 FOREST ROAD, SUITE 202, MONROE, NY 109500000.	0	38,500
TOWN OF COLONIE .....	MEMORIAL TOWN HALL, COLONIE, NY 121280000, NEWTONVILLE.	0	32,864
CITY OF FULTON .....	MUNICIPAL BUILDING, FULTON, NY 130690000 .....	0	26,250
TOWN OF UNION COMMUNITY DEVELOPMENT .....	3111 EAST MAIN ST., ENDWELL, NY 137600000 .....	0	22,505
JEFFERSON METROPOLITAN HSG. AUTH .....	815 NORTH SIXTH STREET, STEUBENVILLE, OH 43952.	0	30,000
CAMBRIDGE METROPOLITAN HSG. AUTH .....	PO BOX 744, CAMBRIDGE, OH 43725074 .....	0	23,238
WARREN MET. HA .....	PO BOX 63, LEBANON, OH 450360000 .....	0	23,854
CLINTON METROPOLITAN HOUSING AUTH .....	478 THORNE AVENUE, WILMINGTON, OH 4517700 .....	0	18,275
FAYETTE METRO HSG AUTH .....	101 E. EAST STREET, WASHINGTON, C.H., OH 43 .....	0	23,136
PICKAWAY METROPOLITAN HOUSING AUTH .....	176 RUSTIC DRIVE, CIRCLEVILLE, OH 431130 .....	0	25,650
PIKE METROPOLITAN HA .....	2626 SHYVILLE ROAD, PIKETON, OH 456610000 .....	0	33,812
TUSCARAWAS MHA .....	125 EAST HIGH, NEW PHILADELPHIA, OH 4 .....	0	32,693
CITY OF MIDDLETOWN .....	ATTENTION: GREGORY DIXON, MIDDLETOWN, OH 4504200, ONE CIVIC CENTRE PLAZA.	0	17,472
LOGAN COUNTY MHA .....	105W HIGH ST., BELLEFONTAINE, OH 4331 .....	0	26,073
DELAWARE METRO HOUSING AUTHORITY .....	PO BOX 1292, DELAWARE, OH 430150000 .....	0	36,000
MORROW METRO. HSG. AUTH .....	MORROW METROPOLITAN HOUSING AU., MANSFIELD, OH 44902000, PO BOX 1029.	0	28,800
BROKEN BOW HOUSING AUTHORITY .....	PO BOX 177, BROKEN BOW, OK 7472800 .....	0	15,370
STILLWATER HOUSING AUTHORITY .....	807 S. LOWRY, STILLWATER, OK 7407400 .....	0	27,879
HSG AUTH OF DOUGLAS COUNTY .....	PO BOX 966, ROSEBURG, OR 974700000 .....	0	24,887
H.A. OF LINCOLN COUNTY .....	1039 NW NYE ST., NEWPORT, OR 973650000 .....	0	28,000
H.A. OF MALHEUR CO. ....	959 FORTNER ST, ONTARIO, OR 979140000 .....	0	18,282
NORTHWEST OREGON HOUSING ASSOC .....	1508 EXCHANGE, ASTORIA, OR 971030000 .....	0	20,435
CENTRAL ORE REG HA .....	2445 SW CANAL BLVD, REDMOND, OR 977560000 .....	0	24,377
HARRISBURG HOUSING AUTHORITY .....	PO BOX 3461, HARRISBURG, PA 1710134 .....	0	36,680
MONTOUR COUNTY HOUSING AUTHORITY .....	ONE BEAVER PLACE, DANVILLE, PA 178210000 .....	0	38,420
WILKES BARRE HOUSING AUTHORITY .....	LINCOLN PLAZA S. WILKES BARRE, WILKES BARRE, PA 18702.	0	34,250
INDIANA COUNTY HOUSING AUTHORITY .....	104 PHILADELPHIA STREET, INDIANA, PA 157010000 .....	0	14,560
NORTHUMBERLAND COUNTY HOUSING AUTH .....	50 MAHONING STREET, MILTON, PA 178470000 .....	0	40,000
BERKS COUNTY HOUSING AUTHORITY .....	1803 BUTTER LANE, READING, PA 196060000 .....	0	25,000
NORTHAMPTON COUNTY HOUSING AUTH .....	PO BOX 252, NAZARETH, PA 180640000 .....	0	40,000
CENTRAL FALLS H A .....	30 WASHINGTON ST, CENTRAL FALLS, RI 0286 .....	0	25,836
EAST PROVIDENCE H A .....	99 GOLDSMITH AVE, EAST PROVIDENCE, RI 02 .....	0	39,500
SOUTH KINGSTON HOUSING AUTHORITY .....	PO BOX 6, PEACE DALE, RI 0288300 .....	0	40,000
NORTH PROVIDENCE HOUSING AUTHORITY .....	945 CHARLES STREET, NORTH PROVIDENCE, RI 0 .....	0	30,000
EAST GREENWICH H A .....	146 FIRST AVE, EAST GREENWICH, RI 028 .....	0	22,770
NARRAGANSETT HOUSING AUTHORITY .....	PO BOX 388 25 FIFTH AVENUE, NARRAGANSETT, RI 02882.	0	24,200
MUNICIPALITY OF HORMIGUEROS .....	PO BOX 97, HORMIGUEROS, PR 006600 .....	0	39,733
MUNICIPALITY OF ADJUNTAS .....	Calle Rius Rivera-Esquina San, ADJUNTAS, PR 006010000 JOAQUIN, PO BOX 1009.	0	17,700
MUNICIPALITY OF ISABELA .....	PO BOX 507, ISABELA, PR 006620000 .....	0	10,680
MUNICIPALITY OF AGUAS BUENAS .....	BOX 128, AGUAS BUENAS MUNICI, RQ .....	0	11,400
HA CONWAY .....	2303 LEONARD AVENUE, CONWAY, SC 295260000 .....	0	14,556
HA ANDERSON .....	1335 E RIVER STREET, ANDERSON, SC 296210000 .....	0	27,275
MADISON HSG & REDEV .....	111 S. WASHINGTON AVE., MADISON, SD 570420000 .....	0	8,788
BROOKINGS HSG & REDEVELOPMENT COMM .....	311 3RD AVENUE, BROOKINGS, SC 57006000 .....	0	18,000
MOBRIDGE H & R COMM .....	PO BOX 370, MOBRIDGE, SD 576010000 .....	0	21,400
SE TN Human Resource Agency .....	PO Box 805, DUNLAP, TN 372370000 .....	0	38,400
TEXARKANA HOUSING AUTHORITY .....	BOX 5766, TEXARKANA, TX 75505576 .....	0	30,926

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
PHARR HOUSING AUTHORITY .....	211 W AUDREY, PHARR, TX 785770000 .....	0	36,250
KINGSVILLE HSG. AUTHORITY .....	1000 W CORRAL, KINGSVILLE, TX 7836300 .....	0	33,800
PLANO HOUSING AUTHORITY .....	1581 AVENUE K., PLANO, TX 750740000 .....	0	29,040
HSG AUTH CITY OF TATUM .....	PO BOX 1066, TATUM, TX 758910000 .....	0	8,480
GARLAND (CITY OF) .....	PO BOX 469002, GARLAND, TX 750469002 .....	0	31,200
ANTHONY HSG AUTHORITY .....	PO DRAWER 1740, ANTHONY, TX 798210000 .....	0	21,595
TRAVIS COUNTY HOUSING AUTHORITY .....	PO BOX 1748, AUSTIN, TX 787670000 .....	0	30,000
HIDALGO COUNTY HOUSING AUTHORITY .....	1800 N. TEXAS BLVD., WESLACO, TX 785960000 .....	0	27,720
MIDLAND COUNTY HSG AUTHORITY .....	218 WEST ILLINOIS, ROOM 108, MIDLAND, TX 797010000.	0	29,839
PROVO CITY HSG AUTH .....	650 WEST 100 NORTH, PROVO, UT 846010000 .....	0	23,816
UTAH PAIUTE HOUSING AUTHORITY .....	600 NORTH 100 EAST, CEDAR CITY, UT 8472000 .....	0	34,800
GRAND COUNTY HOUSING AUTHORITY .....	PO BOX 729, MOAB, UT 845320000 .....	0	10,800
WEST VALLEY CITY HOUSING AUTHORITY .....	3600 CONSTITUTION BLVD, WEST VALLEY CITY, UT 8.	0	27,286
CEDAR CITY HOUSING AUTHORITY .....	PO BOX 1721, CEDAR CITY, UT 8472100 .....	0	26,000
PORTSMOUTH REDEVELOPMENT & H/A .....	339 HIGH STREET, P.O. BOX 1098, PORTSMOUTH, VA 2370500.	0	25,528
CUMBERLAND PLATEAU REGIONAL H/A .....	P.O. BOX 1328, LEBANON, VA 242660000, MEMORIAL DRIVE.	0	28,380
LEE COUNTY HOUSING AUTHORITY .....	P.O. BOX 665, JONESVILLE, VA 2426300 .....	0	21,451
LEE COUNTY HOUSING AUTHORITY .....	P.O. BOX 665, JONESVILLE, VA 2426300 .....	0	7,149
COUNTY OF ALBEMARLE/DEPT. OF FINANCE .....	401 MCINTIRE ROAD, CHARLOTTESVILLE, VA 22 .....	0	35,850
CITY OF VIRGINIA BEACH .....	MUNICIPAL CENTER, VIRGINIA BEACH, VA 234 .....	0	7,149
CITY OF VIRGINIA BEACH .....	MUNICIPAL CENTER, VIRGINIA BEACH, VA 234 .....	0	21,455
BURLINGTON HOUSING AUTHORITY .....	230 ST PAUL STREET, BURLINGTON, VT 0540100 .....	0	30,354
BARRE HOUSING AUTHORITY .....	455 NORTH MAIN STREET, BARRE, VT 056410000 .....	0	20,800
HA COUNTY OF CLALLAM .....	2603 SOUTH FRANCIS, PORT ANGELES, WA 98362 .....	0	38,318
HA CITY OF KENNEWICK .....	421 S TACOMA, KENNEWICK, WA 993360000 .....	0	36,000
HA OF GRANT COUNTY .....	1139 LARSON BLVD, MOSES LAKE, WA 9883700 .....	0	35,600
KITSAP COUNTY CONSOLIDATED H.A. ....	9265 BAYSHORE DR NW, SILVERDALE, WA 9838300 .....	0	38,978
WENATCHEE HOUSING AUTHORITY .....	236 N MISSION, WENATCHEE, WA 988010000 .....	0	29,464
HOUSING AUTHORITY CITY OF RICHLAND .....	PO BOX 190, RICHLAND, WA 993520000 .....	0	33,927
HSG AUTHORITY OF JEFFERSON COUNTY .....	802 SHERIDAN 3RD FLOOR, PORT TOWNSEND, WA 9836.	0	24,372
DUNN COUNTY HOUSING AUTH .....	525 2ND ST., GLENWOOD CITY, WI 5401 .....	0	18,081
BENWOOD HOUSING AUTHORITY .....	13TH AND HIGH STREETS, BENWOOD, WV 260310000.	0	26,400
ROCK SPRINGS HSG AUTHORITY .....	212 D STREET, ROCK SPRINGS, WY 82901 .....	0	20,000
CASPER HSG AUTH .....	1985 EAST A STREET, CASPER, WY 826010000 .....	0	16,088

## FSS SERVICE COORDINATORS—VOUCHER PROGRAM

HA LEE COUNTY .....	14170 WARNER CIRCLE NW, NORTH FORT MYERS, FL 33903.	0	29,072
NEK-CAP, INC .....	PO BOX 380, HIAWATHA, KS 664340000 .....	0	28,068
SINN PARISH POLICE JURY .....	PO BOX 951, WINNFELD, LA 714830000 .....	0	26,089
WINN PARISH POLICE JURY .....	PO BOX 951, WINNFELD, LA 714830000 .....	0	26,872
ATTLEBORO HSG AUTHORITY .....	37 CARLON ST, ATTLEBORO, MA 027030000 .....	0	22,629
ATTLEBORO HSG AUTHORITY .....	37 CARLON ST, ATTLEBORO, MA 027030000 .....	0	21,970
BOYNE CITY HSG CM .....	829 SOUTH PARK STREET, BOYNE CITY, MI 497120000.	0	29,244
DEARBORN HEIGHTS HOUSING COMMISSION .....	26155 RICHARDSON ST., DEARBORN HEIGHTS, MI 48127.	0	27,851
HA ROCKY MOUNT .....	PO BOX 4717, ROCKY MOUNT, NC 278030000 .....	0	25,915
HA COUNTY OF WAKE .....	PO BOX 368, ZEBULON, NC 275970368 .....	0	22,238
MACON PROGRAM FOR PROGRESS .....	PO BOX 700, FRANKLIN, NC 287340000; 38 ½ E MAIN STREET.	0	13,885
BLAIR HOUSING AUTHORITY .....	758 SOUTH 16TH STREET, BLAIR, NE 680080000 .....	0	13,596
THE MEIGS MHA .....	237 RACE STREET, MIDDLEPORT, OH 457600000 .....	0	10,331
VINTON METROPOLITAN H.A. ....	P.O. BOX 487, MCARTHUR, OH 456510000 .....	0	30,851
WAYNESBORO REDEVELOPMENT & H/A .....	1700 NEW HOPE ROAD, WAYNESBORO, VA 2600000 .....	0	26,626
HA OF ISLAND COUNTY .....	P.O. BOX 156, COUPEVILLE, WA 982390000 .....	0	30,630
HOUSING AUTH. CITY OF SUPERIOR .....	1219 N. 8TH STREET, SUPERIOR, WI 548800000 .....	0	16,752
EAU CLAIRE COUNTY HA .....	731 OXFORD AVE. RM A180, EAU CLAIRE, WI 547030000.	0	29,101
HSG AUTH OF THE CITY OF APPLETON .....	525 NORTH ONEIDA STREET, APPLETON, WI 549110000.	0	29,417
CITY OF JANESVILLE .....	ATTENTION: MS. JUDY ADLER, JANESVILLE, WI 535450000, COMMUNITY DEVELOPMENT DEPT.	0	27,392

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
WAUKESHA COUNTY .....	515 WEST MORELAND BLVD, WAUKESHA, WI 531882428.	0	32,955
NEWCAP, INC. ....	1201 MAIN STREET, OCONTO, WI 541530000 .....	0	30,612
HA LEE COUNTY .....	14170 WARNER CIRCLE NW, NORTH FORT MYERS, FL 3.	0	28,225
NEK-CAP, INC .....	PO BOX 380, HIAWATHA, KS 664340000 .....	0	27,250
BOYNE CITY HSG CM .....	829 SOUTH PARK STREET, BOYNE CITY, MI 4971200	0	28,392
DEARBORN HEIGHTS HOUSING COMMISSION .....	26155 RICHARDSON ST., DEARBORN HEIGHTS, MI 4	0	27,040
HA ROCKY MOUNT .....	PO BOX 4717, ROCKY MOUNT, NC 278030 .....	0	25,160
HA COUNTY OF WAKE .....	PO BOX 368, ZEBULON, NC 275970368 .....	0	21,590
MACON PROGRAM FOR PROGRESS .....	PO BOX 700, FRANKLIN, NC 287340000 .....	0	13,481
BLAIR HOUSING AUTHORITY .....	758 SOUTH 16TH STREET, BLAIR, NE 680080000 .....	0	13,200
THE MEIGS MHA .....	237 RACE STREET, MIDDLEPORT, OH 4576000 .....	0	10,030
VINTON METROPOLITAN H.A. ....	P.O. BOX 487, MCARTHUR, OH 456510000 .....	0	29,952
WAYNESBORO REDEVELOPMENT & H/A .....	1700 NEW HOPE ROAD, WAYNESBORO, VA 2298025	0	19,388
WAYNESBORO REDEVELOPMENT & H/A .....	1700 NEW HOPE ROAD, WAYNESBORO, VA 2298025	0	6,462
HA OF ISLAND COUNTY .....	P.O. BOX 158, COUPEVILLE, WA 9823900 .....	0	29,738
HOUSING AUTH. CITY OF SUPERIOR .....	1219 N. 8TH STREET, SUPERIOR, WI 548800000 .....	0	16,264
EAU CLAIRE COUNTY HA .....	731 OXFORD AVE. RM A180, EAU CLAIRE, WI 5470300.	0	28,253
HSG AUTH OF THE CITY OF APPLETON .....	525 NORTH ONEIDA STREET, APPLETON, WI 549110000.	0	28,560
CITY OF JANESVILLE .....	ATTENTION: MS JUDY ADLER, JANESVILLE, WI 5354500, COMMUNITY DEVELOPMENT D.	0	26,594
WAUKESHA COUNTY .....	515 WEST MORELAND BLVD, WAUKESHA, WI 531882428.	0	31,995
NEWCAP, INC. ....	1201 MAIN STREET, OCONTO, WI 541530000 .....	0	29,720

## HEADQUARTERS RESERVE METRO—CERTIFICATE PROGRAM

HOUSING AUTHORITY OF THE COUNTY OF COOK .....	59 E VAN BUREN, SUITE 1802, CHICAGO, IL 606050000.	105	5,024,000
LAKE COUNTY HA .....	33928 N ROUTE 45, GRASLAKE, IL 600300000 .....	15	745,025
ELGIN HA .....	1845 GRANDSTAND PLACE, SUITE 1, ELGIN, IL 601230000.	20	1,010,500
LEADERSHIP COUNCIL MET .....	LEADERSHIP COUNCIL METRO OPEN, 401 S STATE ST, SUITE 860 CHICAGO, IL 606051289,.	10	475,750
HOLYOKE HOUSING AUTHORITY .....	475 MAPLE STREET, HOLYOKE, MA 010400000 .....	140	3,201,900
MELROSE HAG AUTHORITY .....	910 MAIN ST, MELROSE, MA 021780000 .....	10	249,390
HNG AUTH PRINCE GEORGES CO .....	9400 PEPPERCORN PLACE, LANDOVER, MD 207850000.	95	2,479,500
ST. LOUIS HOUSING AUTHORITY .....	4100 LINDELL BLVD, ST. LOUIS, MO 631080000 .....	105	3,759,525
NEW YORK STATE HSG. FIN. AGENCY .....	ONE FORDHAM PLAZA, BRONX, NY 104580000 .....	1	16,422
HIDEALGO COUNTY HOUSING AUTHORITY .....	1800 N. TEXAS BLVD., WESLACO, TX 785960000 .....	4	117,840
CITY OF NEW YORK .....	100 GOLD STREET ROOM 8Q3, NEW YORK, NY 100380000.	250	11,100,000

## INCREMENTAL—CERTIFICATE PROGRAM

HA ATLANTA GA .....	739 WEST PEACHTREE STREET NE, ATLANTA, GA 303650000.	250	3,961,036
CHICAGO HOUSING AUTHORITY .....	626 W. JACKSON BLVD, CHICAGO, IL 606020000 .....	1500	30,794,400
NEW ORLEANS HOUSING AUTHORITY .....	918 CARONDELET STREET, NEW ORLEANS, LA 701300000.	376	4,661,916
DETROIT HOUSING DEPARTMENT .....	2211 ORLEANS, DETROIT, MI 48207 .....	274	3,194,664
WAYNE COUNTY .....	RAYMOND J. WOJTOWICZ, DETROIT, MI 482262942, WAYNE COUNTY TREASURER.	50	1,819,215
SAN ANTONIO HOUSING AUTHORITY .....	PO DRAWER 1300, SAN ANTONIO, TX 782950000 .....	250	3,290,868

## MAINSTREAM HOUSING—VOUCHER PROGRAM

LAKEWOOD HOUSING AUTHORITY .....	445 S. ALLISON PARKWAY, LAKEWOOD, CO 802260000.	50	640,950
MONTGOMERY CO HOUSING AUTHORITY .....	1400 DETRICK AVENUE, KENSINGTON, MD 208950000.	75	2,183,100
MINNEAPOLIS PHA .....	1001 WASHINGTON AVE NORTH, MINNEAPOLIS, MN 55401043.	92	1,359,300
DULUTH HRA .....	222 EAST 2ND ST, DULUTH, MN 558160900, PO BOX 16900.	20	199,980
HA OF ROCHESTER .....	140 WEST AVENUE, ROCHESTER, NY 146110000 .....	20	295,920

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
BUCKS COUNTY HOUSING AUTHORITY .....	POST OFFICE BOX 1329, DOYLESTOWN, PA 18901967.	60	1,137,735
PROVIDENCE H A .....	100 BROAD ST, PROVIDENCE, RI 029030000 .....	75	1,383,525

## MAINSTREAM HOUSING—CERTIFICATE PROGRAM

MONTGOMERY CO HOUSING AUTHORITY .....	10400 DETRICK AVENUE, KENSINGTON, MD 208950000.	75	1,879,575
HA OF ROCHESTER .....	140 WEST AVENUE, ROCHESTER, NY 146110000 .....	20	280,200
YOUNGSTOWN MET. HOUSING AUTHORITY .....	118 EAST WOOD ST., YOUNGSTOWN, OH 445030000 .....	45	624,375
PROVIDENCE H A .....	100 BOARD ST, PROVIDENCE, RI 029030000 .....	75	1,434,357
SAN ANTONIO HOUSING AUTHORITY .....	PO DRAWER 1300, SAN ANTONIO, TX 782950000 .....	50	663,498
DALLAS HOUSING AUTHORITY .....	3939 N HAMPTON, DALLAS, TX 752120000 .....	80	1,214,640

## PORTABILITY FEES—VOUCHER PROGRAM

MUNICIPALITY OF SAN JUAN .....	G PO BOX 70179, SAN JUAN, PR 009360000 .....	0	16,750
MUNICIPALITY OF CAGUAS .....	PO BOX 7889, CAGUAS, PR 007260000 .....	0	1,500
MUNICIPALITY OF PONCE .....	PO BOX 1709, PONCE, PR 007331709 .....	0	3,750
MUNICIPALITY OF MAYAGUEZ .....	BOX 447 MAYAGUEZ MUNICIPIO, RQ 00709 .....	0	250
MUNICIPALITY OF BAYAMON .....	PO BOX 2988, BAYAMON MUNICIPIO, RQ 00620 .....	0	3,500
MUNICIPALITY OF AGUADILLA .....	PO BOX 1008 VS, AGUADILLA, PR 006050000 .....	0	500
MUNICIPALITY OF DORADO .....	PO BOX 588, DORADO, PR 006460000 .....	0	1,000
MUNICIPALITY OF GUAYNABO .....	BOX 7885, GUAYNABO MUNICIPIO, RQ 00651788 .....	0	500
MUNICIPALITY OF GUAYAMA .....	BOX 360, GUAYAMA, PR 006550000 .....	0	250
MUNICIPALITY OF CAYEY .....	PO BOX 371330, CAYEY, P.R., RQ 007370000 .....	0	1,250
MUNICIPALITY OF PENUELAS .....	CITY HALL, PENUELAS, PR 000724000 .....	0	500
MUNICIPALITY OF ARECIBO .....	PO BOX 1086, ARECIBO, PR 006130000 .....	0	750
MUNICIPALITY OF TOA BAJA .....	BOULEVARD BRUNO CRUZ #72, TOA BAJA, PR 007598090.	0	2,250
MUNICIPALITY OF VEGA BAJA .....	BOX 4555, VEGA BAJA, PR 007640000 .....	0	500
MUNICIPALITY OF UTUADO .....	PO BOX 190, UTUADO, PR 007610000 .....	0	750
MUNICIPALITY OF COMERIO .....	PO BOX 1108, COMERIO, RQ 007821108 .....	0	250
MUNICIPALITY OF FAJARDO .....	PO BOX 1049, FAJARDO, PR 007380000 .....	0	250
MUNICIPALITY OF GURABO .....	SANTIAGO ST NO 105, GURABO, PR 007780000 .....	0	250
MUNICIPALITY OF ANASCO .....	PO BOX 1385, ANASCO, P.R., PR 006100000 .....	0	250
MUNICIPALITY OF NAGUABO .....	PO BOX 40, NAGUABO MUNICIPIO, RQ 00718 .....	0	250
MUNICIPALITY OF CIALES .....	BOX 1408, CIALES, PR 006380000 .....	0	500
MUNICIPALITY OF CIALES .....	BOX 1408, CIALES, PR 006380000 .....	0	500
MUNICIPALITY OF VEGA ALTA .....	BOX 292, VEGA ALTA, PR 007620000 .....	0	250
MUNICIPALITY OF PATILLAS .....	BOX 698, PATILLAS, PR 007230000 .....	0	250
MUNICIPALITY OF SANTA ISABEL .....	PO BOX 725, SANTA ISABEL, PR 007570000 .....	0	500
MUNICIPALITY OF CIDRA .....	BOX 729, CIDRA, P.R., PR 007390000 .....	0	500
MUNICIPALITY OF SALINAS .....	BOX 1149, SALINAS, PR 007510000 .....	0	250
MUNICIPALITY OF CEIBA .....	PO BOX 224, CEIBA, PR 006350000 .....	0	250
MUNICIPALITY OF FLORIDA .....	BOX 257, FLORIDAS, PR 006500000 .....	0	500
Municipio De Juncos .....	Apartado 1706, JUNCOS, PR 007770000 .....	0	500
VIRGIN ISLANDS HOUSING AUTHORITY .....	PO BOX 7668, ST. THOMAS, VI 008017668 .....	0	1,000

## PORTABILITY FEES—CERTIFICATE PROGRAM

HUD/SECT 8 CONTRACT .....	77 WEST JACKSON, CHICAGO, IL 60604 .....	0	1,000,000
MUNICIPALITY OF SAN JUAN .....	G PO BOX 70179, SAN JUAN, PR 009360000 .....	0	11,000
MUNICIPALITY OF CAGUAS .....	PO BOX 7889, CAGUAS, PR 007260000 .....	0	1,000
MUNICIPALITY OF BAYAMON .....	PO BOX 2988, BAYAMON MUNICIPIO, RQ 00620 .....	0	1,250
MUNICIPALITY OF CAROLINA .....	PO BOX 8, CAROLINA, PR 009850008 .....	0	250
MUNICIPALITY OF GUAYNABO .....	BOX 7885, GUAYNABO MUNICIPIO, RQ 00651788 .....	0	250
MUNICIPALITY OF VEGA BAJA .....	BOX 4555, VEGA BAJA, PR 007640000 .....	0	250
MUNICIPALITY OF SABANA GRANDE .....	PO BOX 356, SABANA BRANDE, PR 006370000 .....	0	250
MUNICIPALITY OF ADJUNTAS .....	Calle Rius Rivera-Esquina San, ADJUNTAS, PR 006010000, JOAQUIN, PO BOX 1009.	0	250
MUNICIPALITY OF NARANJITO .....	BOX 53, NARANJITO, PR 007190000 .....	0	250

## HEADQUARTERS RESERVE—NONMETRO—VOUCHER PROGRAM

COUNTY OF HAWAII .....	HILO, HI 967200000, DEPT OF HSG AND COMM DEV .	150	3,009,150
NACOGDOCHES HSG AUTHORITY .....	715 SUMMIT ST, NACOGDOCHES, TX 759610 .....	11	315,205

## HEADQUARTERS RESERVE—METRO—VOUCHER PROGRAM

CITY OF SAN BUENAVENTURA HSG AUTH .....	PO BOX 1648, VENTURA, CA 930020000 .....	50	2,153,950
CHICAGO HOUSING AUTHORITY .....	626 W. JACKSON BLVD, CHICAGO, IL 606020000 .....	500	19,882,500

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
DALLAS HOUSING AUTHORITY .....	3939 N HAMPTON, DALLAS, TX 752120000 .....	1100	39,484,500
DALLAS HOUSING AUTHORITY .....	3939 N HAMPTON, DALLAS, TX 752120000 .....	300	10,366,500
GARLAND (CITY OF) .....	PO BOX 469002, GARLAND, TX 750469002 .....	89	1,741,842
CITY OF FRESNO HSG AUTH .....	PO BOX 11985, FRESNO, CA 937760000 .....	.....	.....
COUNTY OF SONOMA .....	SANTA ROSA, CA 9540300, 1440 GUERNEVILLE ROAD.	.....	.....
<b>VETERANS AFFAIRS SUPPORTIVE HOUSING—VOUCHER PROGRAM</b>			
AK HSG FINANCE CORP .....	PO BOX 101020, ANCHORAGE, AK 995101020 .....	25	689,775
NORTH LITTLE ROCK HOUSING AUTHORITY .....	PO BOX 516, NORTH LITTLE ROCK, AR 72115 .....	25	529,500
COLORADO DEPT OF INSTITUTION .....	3550 OXFORD, DENVER, CO 802260000 .....	50	1,221,530
H/A DEKALB COUNTY .....	PO BOX 1627, DECATUR, GA 300310000 .....	25	885,000
CITY OF INDIANAPOLIS .....	FIVE INDIANA SQ., SECOND FLOOR, INDIANAPOLIS, IN 46204.	25	779,780
JEFFERSON PARISH HOUSING AUTHORITY .....	1718 BETTY STREET, MARRERO, LA 700720000 .....	25	726,825
ALBANY HSG. AUTH. .....	4 LINCOLN SQUARE, ALBANY, NY 122020000 .....	25	609,625
HSG AUTH OF PORTLAND .....	135 SW ASH STREET, PORTLAND, OR 972040000 .....	25	582,625
HA & COMMUNITY SVS AGENCY LANE CO .....	177 DAY ISLAND RD, EUGENE, OR 974010000 .....	25	636,720
FORT WORTH HOUSING AUTHORITY .....	PO BOX 430, FORT WORTH, TX 761010000 .....	25	605,225
HOUSTON HOUSING AUTHORITY .....	2640 FOUNTAIN VIEW, HOUSTON, TX 770570000 .....	50	1,331,000
SALT LAKE COUNTY .....	1962 S. 200 E., SALT LAKE CITY, UT 841150000 .....	25	562,275
PIERCE COUNTY HA .....	P.O. BOX 45410, TACOMA, WA 984450410 .....	50	1,182,500
CITY OF LOS ANGELES HSG AUTH .....	2600 WILSHIRE BLVD., LOS ANGELES, CA 900570 .....	55	2,117,775
COUNTY OF SAN BERNARDINO HSG AUTH .....	1053 NORTH D STREET, SAN BERNARDINO, CA 924 .....	25	670,780
MONTGOMERY CO HOUSING AUTHORITY .....	10400 DETRICK AVENUE, KENSINGTON, MD 2089500 .....	25	1,065,555
NEW YORK CITY HOUSING AUTHORITY .....	250 BROADWAY, NEW YORK, NY 100070000 .....	100	4,064,500
<b>HOPE ELDERLY INDEPENDENCE—CERTIFICATE PROGRAM</b>			
WESTBROOK HOUSING AUTHORITY .....	P.O. BOX 349, WESTBROOK, ME 040920000 .....	150	5,440,500
<b>PROPERTY DISPOSITION—CERTIFICATE PROGRAM</b>			
OAKLAND HOUSING AUTHORITY .....	1619 HARRISON ST, OAKLAND, CA 946120000 .....	45	826,470
D.C. HOUSING AUTHORITY .....	1133 NORTH CAPITOL STREET NE, WASHINGTON, DC 200027599.	61	2,494,365
HA ATLANTA GA .....	739 WEST PEACHTREE STREET NE, ATLANTA, GA 303650000.	224	8,672,520
CHICAGO HOUSING AUTHORITY .....	626 W. JACKSON BLVD, CHICAGO, IL 606020000 .....	51	2,067,960
NEW ORLEANS HOUSING AUTHORITY .....	918 CARONDELET STREET, NEW ORLEANS, LA 701300000.	75	2,131,200
NEW ORLEANS HOUSING AUTHORITY .....	918 CARONDELET STREET, NEW ORLEANS, LA 701300000.	80	1,816,000
JEFFERSON PARISH HOUSING AUTHORITY .....	1718 BETTY STREET MARRERO, LA 700720000 .....	60	1,717,200
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY.	LANSING, MI 489090000 401 S. WASHINGTON SQUARE.	14	467,240
ST. LOUIS HOUSING AUTHORITY .....	4100 LINDELL BLVD, ST. LOUIS, MO 631080000 .....	63	2,014,395
ST. LOUIS HOUSING AUTHORITY .....	4100 LINDELL BLVD, ST. LOUIS, MO 631080000 .....	30	816,510
ST. LOUIS HOUSING AUTHORITY .....	4100 LINDELL BLVD, ST. LOUIS, MO 631080000 .....	140	3,685,090
KANSAS CITY HOUSING AUTHORITY .....	299 PASEO, KANSAS CITY, MO 641060000 .....	39	882,840
KANSAS CITY HOUSING AUTHORITY .....	299 PASEO, KANSAS CITY, MO 641060000 .....	36	985,095
KANSAS CITY HOUSING AUTHORITY .....	299 PASEO, KANSAS CITY, MO 641060000 .....	8	218,910
ST. LOUIS COUNTY HOUSING AUTHORITY .....	8865 NATURAL BRIDGE, ST. LOUIS, MO 631210000 .....	172	5,154,205
COLUMBIA HOUSING AUTHORITY .....	301 N PROVIDENCE RD, COLUMBIA, MO 652030000 .....	94	1,970,005
HA DURHAM .....	PO BOX 1726, DURHAM, NC 277020000 .....	20	598,065
CITY OF LAS VEGAS HSG AUTH .....	PO BOX 1897, LAS VEGAS, NV 891251897 .....	100	4,318,500
CITY OF LAS VEGAS HSG AUTH .....	PO BOX 1897, LAS VEGAS, NV 891251897 .....	45	1,755,000
NEW YORK CITY HOUSING AUTHORITY .....	250 BROADWAY, NEW YORK, NY 100070000 .....	4	226,700
NEW YORK CITY HOUSING AUTHORITY .....	250 BROADWAY, NEW YORK, NY 100070000 .....	98	4,560,210
CINCINNATI METROPOLITAN HSG. AUTH. ....	16 WEST CENTRAL PARKWAY, CINCINNATI, OH 452100000.	136	4,376,220
CITY OF SPARTANBURG H/A .....	PO BOX 2828, SPARTANBURG, SC 293042828 .....	25	652,500
HOUSTON HOUSING AUTHORITY .....	2640 FOUNTAIN VIEW, HOUSTON, TX 770570000 .....	167	5,519,100
BAYTOWN HOUSING AUTHORITY .....	805 NAZRO STREET, BAYTOWN, TX 77520000 .....	68	2,435,700
GARLAND (CITY OF) .....	PO BOX 469002, GARLAND, TX 750469002 .....	141	4,938,300
HARRIS COUNTY HSG AND COMMUNITY DEV .....	3100 TIMMONS LANE SUITE 200, HOUSTON, TX 770270000.	105	3,285,780
DEEP EAST TX COUNCIL OF GOVTS .....	274 E LAMAR, JASPER, TX 759510000 .....	100	2,640,420
DALLAS COUNTY .....	411 ELM ST, DALLAS, TX 752020000 .....	101	3,898,560
TEXAS DEPT HSG & COMMUNITY AFFAIRS .....	PO BOX 13166, AUSTIN, TX 787113166 .....	120	3,809,880

## APPENDIX A—Continued

Name of agency	Address	No. of units	Budget authority
CITY OF LAS VEGAS HSG AUTH .....	PO BOX 1897, LAS VEGAS, NV 89125189 .....	85	4,294,860
NEW YORK CITY HOUSING AUTHORITY .....	250 BROADWAY, NEW YORK, NY 100070000 .....	9	461,040
OKLAHOMA HOUSING FINANCE AGENCY .....	PO BOX 26720, OKLAHOMA CITY, OK 7312 .....	15	381,115
NEWPORT NEWS REDEVELOPMENT & H/A .....	PO BOX 77, NEWPORT NEWS, VA 23607 .....	49	1,686,455

## PROPERTY DISPOSITION—VOUCHER PROGRAM

CITY OF HARTFORD .....	550 MAIN ST, HARTFORD, CT 061030000 .....	100	1,223,808
FORT DODGE HOUSING AGENCY .....	700 SOUTH 17TH STREET, FORT DODGE, IA 505010000.	34	541,450
HOUSING AUTHORITY OF BALTIMORE CITY .....	417 E FAYETTE STREET, BALTIMORE, MD 212020000	151	5,495,710
ST. LOUIS COUNTY HOUSING AUTHORITY .....	8865 NATURAL BRIDGE, ST. LOUIS, MO 631210000 ...	83	3,058,370
LINCOLN COUNTY PUB HSG AGENCY .....	LINCOLN COUNTY PHA, BOWLING GREEN, MO 83334, 16 NORTH COURT.	156	4,340,830
PUERTO RICO HOUSING FINANCE CORP .....	CALL BOX 71361—GPO, SAN JUAN, PR 009360000 .....	77	2,330,685
EAST TN HUMAN RESOURCE AGENCY .....	408 N CEDAR BLUFF ROAD, KNOXVILLE, TN 379230000, SUITE 400.	93	2,585,995
BEXAR COUNTY HSG AUTHORITY .....	1405 N MAIN, SUITE 240, SAN ANTONIO, TX 782120000.	4	120,010
NEWPORT NEWS REDEVELOPMENT & H/A .....	PO BOX 77, NEWPORT NEWS, VA 236070077 .....	137	5,297,075
HOUSING AUTHORITY OF BALTIMORE CITY .....	417 E FAYETTE STREET, BALTIMORE, MD 21202000 .	5	178,875
NEWPORT NEWS REDEVELOPMENT & H/A .....	PO BOX 77, NEWPORT NEWS, VA 23607 .....	250	10,039,600

[FR Doc. 96-2375 Filed 2-5-96; 8:45 am]

BILLING CODE 4210-33-M

## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

## Final Determination Against Federal Acknowledgment of the Ramapough Mountain Indians, Inc.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Final Determination.

**SUMMARY:** This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs (Assistant Secretary) by 209 DM 8.

Pursuant to 25 CFR 83.10(m), notice is hereby given that the Assistant Secretary declines to acknowledge that the Ramapough Mountain Indians, Inc. (RMI), c/o Mr. Ronald Van Dunk, 200 Rte. 17 So., P.O. Box 478, Mahwah, New Jersey 07430-0478, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group does not satisfy three of the criteria set forth in 25 CFR 83.7, namely: 83.7(b), 83.7(c), and 83.7(e).

**DATES:** This determination is final and is effective May 6, 1996, pursuant to 25 CFR 83.10(l)(4), unless a request for reconsideration is filed pursuant to 25 CFR 83.11.

A notice of the Proposed Finding to decline to acknowledge the Ramapough Mountain Indians, Inc. was published in the Federal Register on December 8,

1993 (58 FR 64662, Dec. 8, 1993). The original 180-day period provided for in the regulations for comment on the Proposed Finding closed April 6, 1994. At the petitioner's request, it was extended until October 7, 1994; again until April 7, 1995; and again until May 8, 1995. The 60-day period provided for in the regulations (25 CFR Part 83.10(k)) for the petitioner to respond to third-party comments ended July 10, 1995. This determination is made following a review of the Ramapough Mountain Indians, Inc.'s response to the Proposed Finding to decline to acknowledge, of the public comments on the Proposed Finding to decline to acknowledge, and of the Ramapough Mountain Indians, Inc.'s response to the public comments.

The Proposed Finding to decline to acknowledge the Ramapough Mountain Indians, Inc. was issued under the 1978 Federal acknowledgment regulations (43 FR 39361-39364, Sept. 5, 1978). On April 22, 1994, the Ramapough Mountain Indians, Inc., requested that the final determination be issued under the 1994 revised Federal acknowledgment regulations. This Final Determination is issued under the revised regulations.

This determination is final and will become effective 90 days from the date of publication, unless a request for reconsideration is filed pursuant to § 83.11. The petitioner or any interested party may file a request for reconsideration of this determination with the Interior Board of Appeals (§ 83.11(a)(1)). The petitioner's or interested party's request must be received no later than 90 days after

publication of the Assistant Secretary's determination in the Federal Register (§ 83.11(a)(2)).

Because of changes in the revised regulations and new evidence located by the Government's researchers, the conclusions for this Final Determination are slightly different from those reached in the Proposed Finding under criteria 83.7(a), 83.7(b), and 83.7(c). The Proposed Finding determined that the RMI did not meet criterion 83.7(a). There was no evidence that the petitioning group had been identified "from historical times until the present on a substantially continuous basis, as 'American Indian' or 'aboriginal'" (25 CFR 83.7(a), 1978). The 1994 revision of the 25 CFR Part 83 regulations was designed to reduce the burden of proof on petitioners. Identification as an Indian entity by external observers from first sustained contact with non-Indians until 1900 is no longer required by criterion 83.7(a). Under the 1994 regulations, the RMI meets criterion 83.7(a), identification by external observers as an American Indian entity, for the period since 1900. This finding is based upon a determination by the Assistant Secretary—Indian Affairs that consistent scholarly and popular identification of a group as a tri-racial isolate believed to have an American Indian component shall constitute evidence for identification of the group as an American Indian entity.

The Proposed Finding determined that the petitioner's ancestral group did show community for the period 1870-1950, based on extensive endogamy and geographical residential concentration.



However, under the 1978 regulations, this was not adequate to meet criterion 83.7(b), as the 1978 wording required that there be a distinct "community viewed as American Indian" [emphasis added]. This wording was removed in the 1994 revision of criterion 83.7(b), which now requires only the existence of a distinct community. The regulations continue to require, under both criteria 83.7(b) and 83.7(c), that a petitioning group show continuity from the time of first sustained contact with non-Indians until the present.

Under the provisions of the revised regulations, the Ramapough Mountain Indians, Inc. has been found to meet criteria 83.7(b) and 83.7(c) for a limited period of time, from 1870 until about 1950. No new evidence concerning criterion 83.7(c) was submitted for the final determination. However, under a provision of the 1994 revised regulations that was designed to reduce the burden of proof on petitioners, it is automatically assumed that when a group meets criterion 83.7(b) with a sufficient level of evidence (endogamy of greater than 50 percent; geographically proximate residence of greater than 50 percent, etc.), it also will have met criterion 83.7(c) for the same period of time. Based on this linkage between the two criteria, it is determined that the Ramapough Mountain Indians, Inc. has met criterion 83.7(c) for the period 1870–1950.

The modifications under the revised regulations do not change the ultimate finding concerning criteria 83.7(b) and 83.7(c), however, since the requirement of continuous existence as a social community (83.7(b)) and continuous exercise of political influence or authority over the group's members (83.7(c)), from the time of first sustained contact of the historical tribe, or tribes which amalgamated and functioned as a single political entity, with non-Indians until the present, remains in force. Meeting a criterion for a limited period is not sufficient to meet the criterion overall, because of the requirement of continuous existence. No adequate evidence has been submitted to show the continuous existence of a community from first sustained contact with non-Indians until 1870, or from 1950 to the present. Therefore, the petitioner does not meet criterion 83.7(b). No new evidence was submitted to show the continuous exercise of political influence or authority within the group from first sustained contact with non-Indians until 1870, or from 1950 to the present. Therefore, the petitioner does not meet criterion 83.7(c).

The Proposed Finding concluded that, "No evidence was found to substantially demonstrate Indian ancestry for the RMI membership which was derived from a historic tribe. It also could not be established that there is any Indian ancestry from isolated Indian individuals, and there is virtually no documentary evidence from historical records for such ancestry." No new evidence was submitted pertaining to criterion 83.7(e), descent of the petitioner's membership from a historical Indian tribe, or from tribes which amalgamated and functioned as a single political unit. The petitioner's response presented a re-analysis of the same evidence considered in the Proposed Finding to decline to acknowledge. The conclusion that the origins and parentage of the earliest generation of the petitioner's documented ancestors remain unknown is not changed in this final determination. Therefore, the Ramapough Mountain Indians, Inc., does not meet criterion 83.7(e).

Ada E. Deer,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 96–1822 Filed 2–5–96; 8:45 am]

BILLING CODE 4310–02–P

### Indian Gaming, Oregon

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of Amendment to Approved Tribal-State Compact.

**SUMMARY:** Pursuant to 25 U.S.C. § 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the Federal Register, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved Amendment II to the Tribal-State Compact for Regulation of Class III Gaming Between the Cow Creek Band of Umpqua Tribe of Indians and the State of Oregon, which was executed on October 27, 1995.

**EFFECTIVE DATE:** February 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219–4068.

Dated: December 14, 1995.

Ada E. Deer,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 96–2451 Filed 2–5–96; 8:45 am]

BILLING CODE 4310–02–M

### Indian Gaming

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of approval for Blackjack Amendment to Tribal-State Compact.

**SUMMARY:** Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the Federal Register, notice of approved Tribal-State Compacts or considered approved for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, is publishing an Amendment to the Tribal-State Compact For Regulation of Class III Gaming Between the Coquille Indian Tribe and the State of Oregon, which is considered approved, but only to the extent the amendment is consistent with the provisions of the Indian Gaming Regulatory Act.

**SUPPLEMENTARY INFORMATION:** The Secretary of the Interior neither approved nor disapproved the Coquille Indian Tribe's Blackjack Amendment within the 45-day statutory deadline set forth in 25 U.S.C. 2710 (d)(8)(C). The deadline expired on January 4, 1996. Thus, the Coquille Indian Tribe's Blackjack Amendment is considered approved as specified in 25 U.S.C. 2710 (d)(8)(C), to the extent that is consistent with the Indian Gaming Regulatory Act.

**DATES:** This action is effective February 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4068.

Dated: January 29, 1996.

Ada E. Deer,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 96–2452 Filed 2–5–96; 8:45 am]

BILLING CODE 4310–02–M

### Indian Gaming, Oregon

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of Approval for Amendment I to Tribal-State Compact.

**SUMMARY:** Pursuant to 25 U.S.C. § 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the Federal Register, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—

Indian Affairs, Department of the Interior, through her delegated authority, has approved Amendment I to the Tribal-State Compact For Regulation of Class III Gaming Between the Confederated Tribes of Siletz Indians Tribe and the State of Oregon, which was executed on October 27, 1995.

**EFFECTIVE DATE:** February 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219-4068.

Dated: January 19, 1996.

Ada E. Deer,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 96-2450 Filed 2-5-96; 8:45 am]

**BILLING CODE 4310-02-P**

### Indian Gaming; Oklahoma.

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of Approved Tribal-State Compact.

**SUMMARY:** Pursuant to 25 U.S.C. § 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100-497), the Secretary of the Interior shall publish, in the Federal Register, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved the Miami Tribe—Modoc Tribe and the State of Oklahoma Gaming Compact, which was executed on September 5, 1995.

**EFFECTIVE DATE:** February 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219-4068.

Dated: December 19, 1995.

Ada E. Deer,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 96-2449 Filed 2-5-96; 8:45 am]

**BILLING CODE 4310-02-P**

### Indian Gaming; Nevada

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of Approved Tribal-State Compact.

**SUMMARY:** Pursuant to 25 U.S.C. § 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100-497), the Secretary of the Interior shall publish, in the Federal Register, notice of approved Tribal-State

Compacts or considered approved for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, is publishing a Compact For Regulation of Class III Gaming Between the Reno-Sparks Indian Colony and the State of Nevada, which is considered approved, but only to the extent the Compact is consistent with the provisions of the Indian Gaming Regulatory Act.

**SUPPLEMENTAL INFORMATION:** The Secretary of the Interior neither approved nor disapproved the Compact within the 45-day statutory deadline set forth in 25 U.S.C. § 2710 (d)(8)(C). The deadline expired on January 10, 1996. Thus, the Reno-Sparks Indian Colony Class III Gaming Compact is considered approved as specified in 25 U.S.C. § 2710 (d)(8)(C), to the extent that it is consistent with the Indian Gaming Regulatory Act.

**EFFECTIVE DATE:** February 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219-4068.

Dated: January 29, 1996.

Ada E. Deer,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 96-2448 Filed 2-5-96; 8:45 am]

**BILLING CODE 4310-02-P**

### Indian Gaming, Oregon

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of Amendment to Approved Tribal-State Compact.

**SUMMARY:** Pursuant to 25 U.S.C. § 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100-497), the Secretary of the Interior shall publish, in the Federal Register, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved Amendment I to the Confederated Tribes of the Warm Springs Reservation of Oregon and the State of Oregon Gaming Compact, which was executed on December 12, 1995.

**EFFECTIVE DATES:** February 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219-4068.

DATED: January 26, 1996.

Ada E. Deer,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 96-2447 Filed 2-5-96; 8:45 am]

**BILLING CODE 4310-02-P**

### Bureau of Land Management Alaska

[AK-962-1410-00-P]

#### Notice for Publication F-19154-60; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(e) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(e), will be issued to NANA Regional Corporation, Incorporated, for approximately 22,357 acres. The lands involved are in the vicinity of Noorvik, Alaska, and are described as being within T. 16 N., R. 10 W., Kateel River Meridian, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Anchorage Daily News. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until March 7, 1996 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Terry R. Hassett,

*Chief, Branch of Gulf Rim Adjudication.*

[FR Doc. 96-2425 Filed 2-5-96; 8:45 am]

**BILLING CODE 4310-JA-P**

[AK-962-1410-00-P]

#### Notice for Publication AA-6980-C; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43

U.S.C. 1601, 1613(b), will be issued to Huna Totem Corporation for approximately 120 acres. The lands involved are in the vicinity of Hoonah, Alaska.

Copper River Meridian, Alaska

T. 44 S., R. 62 E.  
Secs. 2 and 11.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the DAILY SITKA SENTINEL. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until March 7, 1996 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Patricia K. Underwood,

*Land Law Examiner, Branch of Gulf Rim Adjudication.*

[FR Doc. 96-2424 Filed 2-5-96; 8:45 am]

BILLING CODE 4310-JA-P

[NV-910-1020-00]

**Notice of Intent To Modify Resource Management Plans and Other Planning Documents and To Prepare and Environmental Assessment or Environmental Impact Statement To Adopt Standards for Rangeland Health and Guidelines for Grazing Management in Nevada**

**AGENCY:** Bureau of Land Management.

**ACTION:** Notice of Intent to Modify.

**SUMMARY:** The Bureau of Land Management (BLM) in Nevada intends to modify, if necessary, existing land use plans, including Resource Management Plans (RMPs) and Management Framework Plans (MFPs) and to prepare appropriate National Environmental Policy Act (NEPA) analysis for the adoption of Standards for Rangeland Health and Guidelines for Grazing Management as provided for in the BLM's grazing regulations (42 CFR Part 4100). Public comment is sought on the issues to be analyzed, the alternatives that may be considered, the

standards and guidelines to be addressed, as well as the level of analysis which would be appropriate under the NEPA.

**DATES:** Comments will be accepted throughout the process of modifying plans and preparation of NEPA analysis. However, comments received after April 30, 1995 may not be reflected in the alternatives considered in any draft NEPA analysis document.

**FOR FURTHER INFORMATION CONTACT:**

Daniel C. B. Rathbun, Nevada Rangelands Standards and Guidelines Coordinator, Bureau of Land Management, 850 Harvard Way, Reno, NV 89520; Telephone (702) 785-6767.

**SUPPLEMENTARY INFORMATION:** The BLM's new grazing administration regulations (43 CFR Part 4100), which became effective August 21, 1995, provide for the development of Standards of Rangeland Health and Guidelines for Grazing Administration. In Nevada, BLM intends to develop these standards and guidelines in consultation with the BLM's Resource Advisory Councils. Implementation of Standards and Guidelines may require some form of planning modification, ranging from simple plan maintenance to plan amendment. RMPs and MFPs possibly requiring modification are: Wells RMP, Elko RMP, Sonoma-Gerlach MFP, Paradise-Denio MFP, Lahontan RMP, Reno MFP, Walker RMP, Egan RMP, Schell MFP, Esmerelda-Southern Nye RMP, Caliente MFP, Shoshone-Eureka RMP, Tonopah MFP, Clark County MFP and Nellis Resource Plan. Simultaneous modification of Nevada BLM's planning documents is intended to streamline efforts and to provide for a broader view of rangeland ecosystems.

At this point, it is uncertain what level of plan modification will be needed, if any. Similarly, the level of environmental analysis appropriate under the Council on Environmental Quality's regulations implementing NEPA (40 CFR Part 1500) may vary. Should it be determined that no environmental impact statement is needed, NEPA, analysis will be accomplished through an environmental assessment or an administrative determination.

Public input on Standards and Guidelines for Nevada was received at a series of workshops conducted in early September 1995. Input is also being obtained from Nevada BLM's Sierra Front-Northwestern Great Basin, Mojave-Southern Great Basin and Northeastern Great Basin Resource Advisory Councils.

This notice invites additional public comment on the proposal to modify the

affected Resource Management Plans. Public comment is invited on the issues to be addressed and alternatives considered in the proposed environmental impact statement or other NEPA analysis.

Preliminary issues identified include: the effect adoption of standards will have on all uses and users of public lands, the effect adoption of the proposed guidelines will have on grazing management and livestock operations, and the need for flexibility in standards and guidelines.

Three preliminary alternatives have been identified: (1) The continuation of current management as provided for in existing land use plans; (2) the adoption of the fallback standards and guidelines contained in the regulations; and (3) the adoption of standards and guidelines developed locally and in consultation with Nevada BLM's three Resource Advisory Councils.

Dated: January 24, 1996.

Ann J. Morgan,

*State Director, Nevada.*

[FR Doc. 96-2380 Filed 2-5-96; 8:45 am]

BILLING CODE 4310-HC-M

[NV-930-1430-01; N-57818, N-60555]

**Notice of Realty Action; Nevada**

**AGENCY:** Bureau of Land Management.

**ACTION:** Notice.

**SUMMARY:** The following described public lands in Elko County, Nevada, administered by the Bureau of Land Management, including the mineral estate with no known value, have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (43 U.S.C. 1716).

Mount Diablo Meridian, Nevada

T. 35 N., R. 68 E.,

Sec. 2, lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ .

T. 36 N., R. 68 E.,

Sec. 2, lots 1-4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;

Sec. 8, E $\frac{1}{2}$ ;

Sec. 10, All;

Sec. 12, All;

Sec. 14, NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;

Sec. 16, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ ,

N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 24, All;

Sec. 26, All;

Sec. 34, All;

Sec. 36, All.

T. 37 N., R. 68 E.,

Sec. 14, All;

Sec. 22, All;

Sec. 24, lots 1-4, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ ;

Sec. 26, All;

Sec. 28, SE $\frac{1}{4}$ ;

Sec. 34, lots 1-4, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ;

Sec. 36, lots 1-7, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 35 N., R. 69 E.,  
 Sec. 6, lots 1-7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .  
 T. 36 N., R. 69 E.,  
 Sec. 2, lots 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
 Sec. 6, lots 1-7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 18, lots 1-4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 30, lots 1-4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ .  
 T. 37 N., R. 69 E.,  
 Sec. 18, lots 1, 2, 5-8, E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 20, All;  
 Sec. 26, All;  
 Sec. 30, lots 1-4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 32, All;  
 Sec. 34, N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ .  
 Containing 16,626.4 acres, more or less.

In exchange for these lands, the United States will acquire private lands within Elko County from Simplot Land and Cattle Company, located in the following townships:

Mount Diablo Meridian, Nevada

T. 34 N., R. 68 E.  
 T. 35 N., R. 68 E.  
 T. 34 N., R. 69 E.  
 T. 35 N., R. 69 E.  
 T. 36 N., R. 69 E.  
 T. 37 N., R. 69 E.  
 T. 35 N., R. 70 E.  
 T. 36 N., R. 70 E.  
 T. 37 N., R. 70 E.

A more detailed legal description can be found in the subject case file at the Elko District office. These private offered lands comprise 16,666.389 acres, more or less, and include three existing water rights (certificates 12368, 12641, and 12642) associated with the lands. The mineral estate of the private offered lands, owned by third parties, will not be conveyed under this action.

#### FOR FURTHER INFORMATION CONTACT:

Further information concerning the exchange, including the environmental assessment, is available for review at the Bureau of Land Management, Elko District Office, 3900 E. Idaho Street, Elko, Nevada.

#### SUPPLEMENTARY INFORMATION:

The purpose of the exchange is to consolidate the public land ownership pattern in this area to achieve a configuration more conducive to natural resource management by both parties. The resulting pattern of public land ownership will better support the BLM's objective of implementing management on an ecosystem-wide basis, will eliminate or reduce management complexities caused by intermingled ownership of parcels in the area, and will contribute toward the implementation of the Wells Resource Area Resource Management Plan (RMP) of July, 1985. Consummation of the exchange will serve to acquire private lands which have high values for

wildlife, cultural resources, historical, recreation, threatened, endangered, or candidate species, and water resources. The value of the lands to be exchanged is equal.

The patent, when issued, will contain the following reservations to the United States:

1. Oil and gas. A more detailed description of this reservation, which will be included in the patent document, is available for review at the Elko District office.

2. A right-of-way thereon for ditches and canals constructed by the authority of the United States; Act of August 30, 1890 (43 U.S.C. 945).

The patent will be subject to:

1. An easement for roads and public utilities in favor of Elko County on a strip of land thirty feet in width along the exterior boundary of each parcel.

2. The following rights-of-way granted to the right-of-way holders, their successors, or assigns:

- N-39088, a powerline right-of-way held by Wells Rural Electric Company, granted pursuant to the Act of October 21, 1976;
- N-41038, a powerline right-of-way held by Raft River Electric Company, granted pursuant to the Act of October 21, 1976;
- N-47793, a telephone line right-of-way held by Beehive Telephone Company, granted pursuant to the Act of October 21, 1976;
- N-52499, an access road right-of-way held by Elko County, granted pursuant to the Act of October 21, 1976;
- N-60439, a range improvement fence right-of-way reservation held by the United States, granted pursuant to the Act of October 21, 1976.

The conveyance of public lands in T. 37 N., R. 69 E., sec. 18 will be made under the conditions of a conservation easement in order to protect the integrity of a wildlife improvement project and to preserve habitat characteristics within the section by precluding surface development for a period of thirty years.

The disposal of the above described public land will result in the adjustment of the grazing preference of the following grazing permits:

Permittee	Allotment	Adjustment
Larry Schutte .. H&R Livestock Simplot Land & Cattle Co.	Big Springs .. Leppy Hills ... Pilot .....	0 AUMs. +104 AUMs. - 697 AUMs.

Simplot Land and Cattle Company was notified by letter dated June 1, 1995 that this reduction would be necessary.

The subject public lands have been segregated from all appropriations under the public land laws including the mining law.

For a period of 45 days from the date of publication of this notice in the Federal Register, interested parties may submit comments to the District Manager, Elko District Office, P.O. Box 831, Elko, NV 89803.

All objections will be reviewed by the State Director, who may sustain, vacate, or modify this realty action. In the absence of timely filed objections, this realty action shall become the final determination of the Department of the Interior.

Dated: January 26, 1996.

Helen Hankins,

*District Manager.*

[FR Doc. 96-2386 Filed 2-5-96; 8:45 am]

BILLING CODE 4310-HC-P

## Minerals Management Service

### Subpart D, Drilling Operations

**AGENCY:** Minerals Management Service, DOI.

**ACTION:** Notice of request for reinstatement of information collection; request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, the Minerals Management Service (MMS) invites the general public and other Federal agencies to comment on a request to reinstate a previously approved collection of information contained in 30 CFR Part 250, Subpart D, Drilling Operations. MMS has added new requirements which will increase the reporting burden; and, reduced recordkeeping hours due to corrected re-estimates. MMS will request approval from the Office of Management and Budget (OMB) to reinstate this collection of information.

**DATES:** Submit written comments by April 8, 1996.

**ADDRESSES:** Direct all written comments to the Department of the Interior; Minerals Management Service; Mail Stop 4700; 381 Elden Street; Herndon, Virginia 22070-4817; Attention: Chief, Engineering and Standards Branch.

#### FOR FURTHER INFORMATION CONTACT:

Andrew Radford, Engineering and Standards Branch, Minerals Management Service, telephone (703) 787-1144.

**SUPPLEMENTARY INFORMATION:****Abstract**

1. The Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1331 *et seq.*, requires the Secretary of the Interior to preserve, protect, and develop oil and gas resources in the Outer Continental Shelf (OCS); make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environment; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition. Section 1332(6) of the OCSLA (43 U.S.C. 1332) requires that "operations in the Outer Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health." To carry out these responsibilities, the Director of the MMS has issued rules governing drilling operations in the OCS. To perform these duties, MMS needs to collect information from lessees in the OCS. This information is in the form of descriptions of the drilling site, procedures, and equipment as described in 30 CFR Part 250, Subpart D, Drilling Operations.

2. The MMS prepared a proposed rule to amend Subpart D, § 250.67, Hydrogen sulfide, to revise the requirements for preventing hydrogen sulfide (H<sub>2</sub>S) releases and protecting human safety. Also proposed were requirements for visual and audible warning systems, personnel protection, training, (H<sub>2</sub>S) and sulphur dioxide (SO<sub>2</sub>) detection and monitoring, and H<sub>2</sub>S flaring. The proposed rule was published in the Federal Register on May 11, 1995 (60 FR 25178). Comments were due July 10, 1995. MMS did not receive any comments pertaining to the Subpart D information collection requirements in this proposed rule.

3. MMS will use the information to ascertain the condition of a drilling site for the purpose of mitigating hazards inherent in drilling operations. If MMS did not collect the information, we could not determine whether lessees are properly providing for the safety of operations and the protection of the environment. Specifically, we could not:

a. Review drilling plans to ensure that the drilling unit is fit for the intended purpose.

b. Review expected oceanographic and meteorological conditions to use when evaluating the integrity of the drilling unit (this information is submitted only if it is not otherwise available).

c. Review shallow hazard survey data to ensure that the lessee will not encounter geologic conditions which present a hazard to operations.

d. Review welding and burning plans to ensure the safety of operations.

e. Review casing data to ensure the adequacy of casings for anticipated conditions.

f. Review well records to ascertain whether hydrocarbons have been encountered and whether H<sub>2</sub>S has been encountered.

4. The reporting and recordkeeping requirements and number of respondents vary for each section. The estimates below are based on an average.

*Description of Respondents:* Federal OCS oil and gas lessees.

*Frequency:* On occasion; varies by section.

*Estimated Number of Respondents:* 125.

*Estimate of Burden:* Reporting average of 19 annual hours per response; recordkeeping average of 140 annual hours per recordkeeper.

*Estimate of Total Annual Burden on Respondents:* Reporting burden estimate = 2,371 hours; recordkeeping burden estimate = 17,533. Estimated combined total of 19,904.

*Estimate of Total Annual Cost to Respondents for Hour Burdens:* Based on \$25 per hour, the total cost to lessees is estimated to be \$497,600.

*Estimate of Total Other Annual Costs to Respondents:* Unknown.

*Type of Request:* Reinstatement.

*OMB Number:* 1010-0053.

*Form Number:* N/A.

*Comments:* MMS will summarize written responses to this notice for inclusion in the request for OMB approval. All comments will also become a matter of public record.

1. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), MMS specifically solicits responses to the following questions: (a) Is the proposed collection of information necessary for the proper performance of MMS' functions and will it be useful? (b) Are the estimates of the burden of the proposed collection reasonable? (c) Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected? (d) Is there

a way to minimize the information collection burden on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other forms of information technology?

2. In addition, the Paperwork Reduction Act requires agencies to estimate the total annual cost burden to respondents or recordkeepers resulting from the collection of information. MMS needs your comments on this item. Your response should split the cost estimate into two components: (a) a total capital and start-up cost component; and (b) an annual operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factor including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software, monitoring, sampling, drilling and testing equipment; and record storage facilities. Generally, estimates should not include purchases of equipment or services made: (a) prior to October 1, 1995; (b) to achieve regulatory compliance with requirements not associated with the information collection; (c) for reasons other than to provide information or keep records for the government; or (d) as part of customary and usual business or private practices.

*Bureau Clearance Officer:* Arthur Quintana (703) 787-1239.

Dated: January 29, 1996.

Henry G. Bartholomew,

*Deputy Associate Director for Operations and Safety Management.*

[FR Doc. 96-2383 Filed 2-5-96; 8:45 am]

BILLING CODE 4310-MR-M

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**Reduction of Royalty or Net Profit Share**

**AGENCY:** Minerals Management Service, DOI.

**ACTION:** Notice of request for reinstatement of information collection; request for comments.

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**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, the Minerals Management Service (MMS) invites the general public and other Federal agencies to comment on a request to reinstate a previously approved collection of

information contained in 30 CFR Part 203.50, concerning the reduction of royalty or net profit share. MMS re-estimated the reporting burden which resulted in a reduction in the annual burden previously approved by the Office of Management and Budget (OMB). MMS will request approval from the OMB to reinstate this collection of information.

**DATES:** Submit written comments by April 8, 1996.

**ADDRESSES:** Direct all written comments to the Department of the Interior; Minerals Management Service; Mail Stop 4700; 381 Elden Street; Herndon, Virginia 22070-4817; Attention: Chief, Engineering and Standards Branch.

**FOR FURTHER INFORMATION CONTACT:** Marshall Rose, Chief, Economic Evaluation Branch, Resource Evaluation Division, Minerals Management Service, telephone (703) 787-1536.

**SUPPLEMENTARY INFORMATION:**

*Abstract:* 1. The Secretary of the Interior issued regulations at 30 CFR 203.50 which contain provisions to reduce or eliminate any royalty or net profit share on an entire leasehold or on any deposit, tract, or portion thereof that is segregated for royalty purposes, in order to promote increased production on a lease area through direct, secondary, or tertiary recovery means.

2. In order for MMS to determine whether to eliminate royalty or net profit share, the lessee must request relief filing an application prepared in accordance with § 203.50. The application must contain sufficient scientific, geological, engineering, and financial information to permit MMS to evaluate the need for relief.

*Description of Respondents:* Federal OCS oil and gas lessees.

*Frequency:* Annual.

*Estimated Number of Respondents:* 30 initial applications; 2 annual renewals.

*Estimate of Burden:* 160 hours per initial application; 80 hours per renewal of previously approved applications.

*Estimate of Total Annual Burden on Respondents:* Reporting burden estimate=1,760 hours.

*Estimate of Total Annual Cost to Respondents for Hour*

*Burdens:* Based on \$25 per hour, the total cost to lessees is estimated to be \$44,000.

*Estimate of Total Other Annual Costs to Respondents:* Unknown.

*Type of Request:* Reinstatement.

*OMB Number:* 1010-0071.

*Form Number:* N/A.

*Comments:* MMS will summarize written responses to this notice for inclusion in the request for OMB

approval. All comments will also become a matter of public record.

1. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), MMS specifically solicits responses to the following: (a) Is the proposed collection of information necessary for the proper performance of MMS functions and will it be useful? (b) Are the estimates of the burden of the proposed collection reasonable? (c) Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected? (d) Is there a way to minimize the information collection burden on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other forms of information technology?

2. In addition, the Paperwork Reduction Act requires agencies to estimate the total annual cost burden to respondents or recordkeepers resulting from the collection of information. MMS needs your comments on this item. Your response should split the cost estimate into two components: (a) a total capital and start-up cost component; and (b) an annual operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software, monitoring, sampling, drilling and testing equipment; and record storage facilities. Generally, estimates should not include purchases of equipment or services made: (a) before October 1, 1995; (b) to achieve regulatory compliance with requirements not associated with the information collection; (c) for reasons other than to provide information or keep records for the government; or (d) as part of customary and usual business or private practices.

*Bureau Clearance Officer:* Arthur Quintana, (703) 787-1239.

Dated: January 29, 1996.

Henry G. Bartholomew,

*Deputy Associate Director for Operations and Safety Management.*

[FR Doc. 96-2382 Filed 2-5-96; 8:45 am]

BILLING CODE 4310-MR-M

## DEPARTMENT OF INTERIOR

### National Park Service

#### 60 Day Notice of Intention To Request Clearance of Information Collection, Opportunity for Public Comment

**AGENCY:** National Park Service, The Department of Interior.

**ACTION:** Notice and request for comments.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 195 (Pub. L. 104-13, 44 U.S.C. Chapter 3507) and 5 CFR Part 1320, Reporting and Recordkeeping Requirements, the National Park Service invites public comments on a proposed information collection request (ICR). Comments are invited on: (1) The need for the information including whether the information has practical utility; (2) the accuracy of the reporting burden estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the information collection on respondents, including use of automated collection techniques or other forms of information technology.

The Primary Purpose of the Proposed ICR: To identify characteristics, use patterns, perceptions and preferences of visitors within Mount Rushmore National Memorial and Perry's Victory International Peace Memorial. Results will be used by managers in ongoing planning and management to improve services, protect resources and better serve the visitors.

**DATES:** Public comments will be accepted on or before April 8, 1996.

**ADDRESSES:** Send comments to David W. Lime, Ph.D., Senior Research Associate, Cooperative Park Studies Unit, Department of Forest Resources, University of Minnesota, 115 Green Hall 1530 N. Cleveland Ave., St. Paul, MN 55108.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Copies of the proposed ICR requirement can be obtained from David W. Lime, Ph.D., Senior Research Associate, Cooperative Park Studies Unit, Department of Forest Resources, University of Minnesota, 115 Green Hall 1530 N. Cleveland Ave., St. Paul, MN 55108.

**FOR FURTHER INFORMATION CONTACT:** Dave Lime, 612-624-2250.

**SUPPLEMENTARY INFORMATION:**

**Title:** Rock Climbing and Visitor Use Study at Mount Rushmore National Memorial.

**Form:** none.

**OMB Number:**

**Expiration date:**

**Type of request:** visitor use survey.

**Description of need:** for Park planning and management.

**Description of respondents:**

Individuals who rock climb in Mount Rushmore National Memorial.

**Estimated annual reporting burden:** 106 burden hours.

**Estimated average burden hours per response:** 20 minutes.

**Estimated average number of respondents:** 400.

**Estimated frequency of response:** Once.

**Title:** Visitor Use Study at Perry's Victory International Peace Memorial.

**Form:** None.

**OMB Number:**

**Expiration date:**

**Type of request:** Visitor use survey.

**Description of need:** For Park planning and management.

**Description of respondents:**

Individuals who visit the memorial.

**Estimated annual reporting burden:** 106 burden hours.

**Estimated average burden hours per response:** 20 minutes.

**Estimated average number of respondents:** 400.

Dated: January 31, 1996.

Terry N. Tesar,

*Information Collection Clearance Officer,  
Audit and Accountability Team Office,  
National Park Service, 202-523-5092.*

FR Doc. 96-2503 Filed 2-5-96; 8:45 am]

BILLING CODE 4510-70-M

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Draft General Management Plan/ Environmental Impact Statement for Hagerman Fossil Beds National Monument, Idaho

**ACTION:** Notice of extension of public comment period and rescheduling of public meetings.

**SUMMARY:** This Notice revises the Notice of Availability of the draft Environmental Impact Statement for this project that was announced previously in the Federal Register on November 29, 1995. It announces an extension of the public comment period and rescheduling of public meetings regarding the Draft General Management Plan/Environmental Impact Statement (GMP/EIS) for Hagerman Fossil Beds

National Monument, Idaho. Copies of the Draft GMP/EIS were sent to approximately 900 individuals, agencies and organizations in November and December 1995. The partial shutdown of the federal government during December and January caused postponement of the previously scheduled public meetings.

**DATES AND ADDRESSES:** Comments on the Draft GMP/EIS should now be received no later than March 8, 1996. All comments already received and all comments received before this new due date will become part of the public record and will be considered in developing the Final GMP/EIS and Record of Decision. Copies of comments, including any names, addresses and telephone numbers that may have been provided by respondents, may be released for public inspection. Dates, locations and times for public meetings regarding the Draft GMP/EIS will be as follows:

February 21, 1996: Hagerman, Idaho, Monument Visitor Center, 221 North State Street.

10:00am-4:00pm, Open House;

7:00pm-9:30pm, Public Meeting.

February 22, 1996: Twin Falls, Idaho, College of Southern Idaho, Shields Building, Rooms 117 & 118, 315 Falls Avenue.

7:00pm-9:30pm, Public Meeting.

February 23, 1996: Boise, Idaho, Holiday Inn, Brundage Room, 3300 Vista Avenue.

11:00am-3:00pm, Open House.

#### FOR FURTHER INFORMATION CONTACT:

Questions regarding the plan or meetings should be directed to the Superintendent, Hagerman Fossil Beds National Monument, P.O. Box 570, Hagerman, ID 83332, phone (208) 837-4793; or Project Manager, Hagerman Fossil Beds General Management Plan, National Park Service, P.O. Box 25287, Denver, CO 80225-0287, phone (303) 969-2274. Additional copies of the Draft GMP/EIS are also still available from these sources.

Dated: January 31, 1996.

William C. Walters,

*Deputy Field Director, Pacific West Area,  
National Park Service.*

[FR Doc. 96-2504 Filed 2-5-96; 8:45 am]

BILLING CODE 4310-70-M

#### National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 27, 1996. Pursuant to § 60.13 of

36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by February 21, 1996.

Carol D. Shull,

*Keeper of the National Register.*

#### ALABAMA

##### Barbour County

Spring Hill Methodist Church, Co. Rd. 89 S side, approximately 750 ft. W of jct. with Co. Rd. 49, Spring Hill, 96000110

##### Marshall County

Snellgrove, Thomas A., Homestead, 5115 E. Mann Ave., 310 Mill Ave., Boaz, 96000167

##### Perry County

Marion Courthouse Square Historic District, Roughly, along Green, Washington, Jefferson, Jackson, Franklin, Clements, Centreville and Monroe Sts., Marion, 96000111

#### CALIFORNIA

##### Alameda County

Oakland Free Library—Golden Gate Branch (California Carnegie Libraries MPS) 5606 San Pablo Ave., 1098 56th St., Oakland, 96000103

Oakland Free Library—Melrose Branch (California Carnegie Libraries MPS) 4805 Foothill Blvd., 1738 48th Ave., Oakland, 96000104

Oakland Free Library—Alden Branch (California Carnegie Libraries MPS) 5205 Telegraph Ave., 500 52nd St., Oakland, 96000105

Oakland Free Library—23rd Avenue Branch (California Carnegie Libraries MPS) 1449 Miller Ave., 2347 E. 15th St., Oakland, 96000106

##### Los Angeles County

Alexander Theatre, 216 N. Brand Blvd., Glendale, 96000102

##### Sacramento County

Merchants National Bank of Sacramento, 1015 7th St., Sacramento, 96000108

##### Sonoma County

Sebastopol Depot of the Petaluma and Santa Rosa Railway, 261 S. Main St., Sebastopol, 96000109

#### COLORADO

##### Adams County

Gregory, William J., House, 8140 Lowell Blvd., Westminster, 96000166

##### Boulder County

Fox Mine Office, 1226 S. Cherryvale Rd., Boulder, 96000168

##### Denver County

First National Bank Building, 818 17th St., Denver, 96000165



CONNECTICUT	Bellows House, 1637 S. Higgins Ave., Missoula, 96000120	OHIO
Fairfield County		Darke County
Nichols Satinet Mill Site, Address Restricted, Newtown, 96000129	Powder River County	Broadway Bridge, Broadway over Greenville Cr., Greenville, 96000114
New Haven County	Cross Ranch Headquarters, E of MT 59, roughly 6 mi. S of Broadus, Broadus vicinity, 96000118	Montgomery County
Hammanasset Paper Mill Site, Address Restricted, Madison vicinity, 96000128	NEVADA	Skywood Farms, 732 W. Alex—Bell Rd., Centerville, 96000117
Windham County	Clark County	Richland County
New Roxbury Ironworks Site, Address Restricted, Woodstock vicinity, 96000130	Boulder Dam Park Museum, NV 169, W side, Overton, 96000126	Plymouth Greenlawn Cemetery Chapel, Greenlawn Cemetery, Plymouth, 96000116
DELAWARE	NEW YORK	Washington County
Kent County	Broome County	Coal Run Historic District, Roughly, along Main, Maple and Hill Sts., Coal Run, 96000115
Woodside Methodist Episcopal Church, Main St., North Murderkill Hundred, Woodside, 96000107	Washingtonian Hall, 3725 River Rd., Endwell, 96000134	OREGON
FLORIDA	Chautauqua County	Douglas County
Clay County	Brocton Arch, Jct. of Main St. with Lake and Highland Aves., Brocton, 96000133	Umpqua-Eden Site—Takimiya, Address Restricted, Reedsport vicinity, 96000113
Winterbourne, 2104 Winterbourne W., Orange Park, 96000161	Greene County	Jackson County
Sarasota County	Leeds Dutch Reformed Church, Co. Rt. 23B (Susquehanna Tpk.), Leeds, 96000141	Medford Central Firehall, 110 E. Sixth St., Medford, 96000172
Triangle Inn (Venice MPS) 351 S. Nassau St., Venice, 96000175	New Baltimore Hamlet Historic District, Roughly, Main St. from NY 144 to S jct. with Mill St. and along NY 144, Church and New Sts. and Washington and Madison, New Baltimore, 96000139	Lane County
GEORGIA	Madison County	Dorris, Benjamin Franklin, House, 707 E. 17th Ave., Eugene, 96000171
Fulton County	Lenox District No. 4 Schoolhouse, Timmerman Rd. N side, at jct. with Old Co. Rd., Clockville, 96000135	McKenzie Fish Hatchery, Old, 44645 McKenzie Hwy., Leaburg vicinity, 96000142
Selig Company Building, 330–346 Marietta St., Atlanta, 96000158	Montgomery County	Oregon Power Company's Springfield Substation, 590 Main St., Springfield, 96000170
Whitfield County	Stone Grist Mill Complex, 1679 Mill Rd., St. Johnsville vicinity, 96000140	Multnomah County
Masonic Lodge No. 238, 600 S. Hamilton St., Dalton, 96000127	Orange County	Neighbors of Woodcraft Building, 1410 SW. Morrison St., Portland, 96000123
LOUISIANA	Brewster, Oliver, House (Cornwall MPS) 66 Willow Ave., Cornwall, 96000149	North Bank Depot Buildings, 1029—1101 NW. Hoyt St., Portland, 96000124
Lincoln Parish	Brooks, Samuel, House (Cornwall MPS) Pleasant Hill Rd., Cornwall, 96000148	Portland Van and Storage Building, 407 NE. Broadway, Portland, 96000125
Adams, Charles P., House, 549 Main St., Grambling, 96000145	Carvey—Gatfield House (Cornwall MPS), 375 Angola Rd., Cornwall, 96000152	Rose City Electric Automobile Garage, 124 NW. Twentieth Ave., Portland, 96000122
Rapides Parish	Cocks, Isaac, House (Cornwall MPS), Old Pleasant Hill Rd., Cornwall, 96000153	Stokes, Francis Marion, Fourplex, 2253 NW. Pettygrove St., Portland, 96000121
Melady House, 5800 England Dr., Alexandria vicinity, 96000160	Hand, Walter, House (Cornwall MPS), 520 Angola Rd., Cornwall, 96000154	Zion Lutheran Church, 1015 SW. Eighteenth Ave., Portland, 96000169
MASSACHUSETTS	Sands—Ring House (Cornwall MPS), Main St., Cornwall, 96000150	SOUTH CAROLINA
Barnstable County	Scribner House (Cornwall MPS), 19 Roe Ave., Cornwall, 96000157	Greenville County
Brewster Old King's Highway Historic District, Roughly, MA 6A from E of Paines Creek Rd. to Bittersweet Dr. and parts of Briar and Lower Rds., Brewster, 96000162	Sutherland, Daniel, House (Cornwall MPS), 32 Angola Rd., Cornwall, 96000147	Parker High School Auditorium, 900 Woodside Ave., City View, 96000144
Worcester County	Sutherland, David, House (Cornwall MPS), 70 Angola Rd., Cornwall, 96000146	TEXAS
Paddock Farm, 259 Salisbury St., Holden, 96000143 Willard—Fisk House, 123 Whitney St., Jefferson, 96000163	Van Duzer—Sayer, Mary, House (Cornwall MPS), Taylor Rd., Cornwall, 96000155	Brewster County
MINNESOTA	Woodruff House (Cornwall MPS), NY 32, Cornwall-on-Hudson, 96000156	Terlingua Historic District, 7 mi. W of jct. of TX 118 and TX 170, Terlingua, 96000132
Clay County	Wyant—Talbot House (Cornwall MPS), 42 Clark Ave., Cornwall-on-Hudson, 96000151	El Paso County
Thompson, Hannah C. and Peter E., House, 361 Second St., NE., Barnesville, 96000173	Ulster County	Rio Vista Farm Historic District, 800—801 Rio Vista Rd., Socorro, 96000131
Wilkin County	Baker, Sebastian, Stone House (Rochester MPS), 10 Dug Rd., Rochester, 96000136	UTAH
Johnson, J. A., Blacksmith Shop, Jct. of Main Ave. W. and 2nd St. W., Rothsay, 96000174	Wynkoop, Cornelius, Stone House, US 209, Marbletown, 96000138	San Juan County
MONTANA	Yates County	Swallow's Nest, 2 N. Grayson Pkwy., Blanding, 96000164
Lewis and Clark County	Lake View Cemetery, W. Lake Rd., Penn Yan, 96000137	WISCONSIN
Helena West Main Street Historic District, 500–600 blocks of W. Main St., Helena, 96000119		Door County
Missoula County		



Noble, Alexander, House, 4167 WI 42, Fish Creek, 96000159

Milwaukee County

Milwaukee Harbor Piers and Breakwaters, Milwaukee Harbor, Lake Michigan, Milwaukee, 96000112

[FR Doc. 96-2491 Filed 2-5-96; 8:45 am]

BILLING CODE 4310-70-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 332-360]

### International Harmonization of Customs Rules of Origin

**AGENCY:** United States International Trade Commission.

**ACTION:** Request for public comment on draft chapters 41-49.

**EFFECTIVE DATE:** January 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** Eugene A. Rosengarden, Director, Office of Tariff Affairs and Trade Agreements (O/TA&TA) (202-205-2595), or Lawrence A. DiRicco (202-205-2606). Questions with regard to specific chapters of the Harmonized Tariff Schedule of the United States (HTS) should be directed to the following coordinators:

Chapters 1-24, 41-49—Ronald H. Heller (202-205-2596)

Chapters 25-40—Edward J. Matusik (202-205-3356)

Chapters 50-63—Janis L. Summers (202-205-2605)

Chapters 64-83, 86-89, 92-97—

Lawrence A. DiRicco (202-205-2606)  
Chapters 84-85, 90-91, 98-99—Craig M. Houser (202-205-2597)

Parties having an interest in particular products or HTS chapters and desiring to be included on a mailing list to receive available documents pertaining thereto should advise Diane Whitfield by phone (202-205-2610) or by mail at the Commission, 500 E St SW, Room 404, Washington, D.C. 20436. Hearing impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. The media should contact Margaret O'Laughlin, Director, Office of Public Affairs (202-205-1819).

#### Background:

Following receipt of a letter from the United States Trade Representative (USTR) on January 25, 1995, the Commission instituted Investigation No. 332-360, International Harmonization of Customs Rules of Origin, under section 332(g) of the Tariff Act of 1930 (60 FR 19605, April 19, 1995).

The investigation is intended to provide the basis for Commission participation in work pertaining to the Uruguay Round Agreement on Rules of Origin (ARO), under the General Agreement on Tariffs and Trade (GATT) 1994 and adopted along with the Agreement Establishing the World Trade Organization (WTO).

The ARO is designed to harmonize and clarify nonpreferential rules of origin for goods in trade on the basis of the substantial transformation test; achieve discipline in the rules' administration; and provide a framework for notification, review, consultation, and dispute settlement. These harmonized rules are intended to make country-of-origin determinations impartial, predictable, transparent, consistent, and neutral, and to avoid restrictive or distortive effects on international trade. The ARO provides that technical work to those ends will be undertaken by the Customs Cooperation Council (CCC) (now informally known as the World Customs Organization or WCO), which must report on specified matters relating to such rules for further action by parties to the ARO. Eventually, the WTO Ministerial Conference is to "establish the results of the harmonization work program in an annex as an integral part" of the ARO.

In order to carry out the work, the ARO calls for the establishment of a Committee on Rules of Origin of the WTO and a Technical Committee on Rules of Origin (TCRO) of the CCC. These Committees bear the primary responsibility for developing rules that achieve the objectives of the ARO.

A major component of the work program is the harmonization of origin rules for the purpose of providing more certainty in the conduct of world trade. To this end, the agreement contemplates a 3-year CCC program, to be initiated as soon as possible after the entry into force of the Agreement Establishing the WTO. Under the ARO, the TCRO is to undertake (1) to develop harmonized definitions of goods considered wholly obtained in one country, and of minimal processes or operations deemed not to confer origin, (2) to consider the use of change in Harmonized System classification as a means of reflecting substantial transformation, and (3) for those products or sectors where a change of tariff classification does not allow for the reflection of substantial transformation, to develop supplementary or exclusive origin criteria based on value, manufacturing or processing operations or on other standards.

To assist in the Commission's participation in work under the

Agreement on Rules of Origin (ARO), the Commission is making available for public comment a draft of proposed rules for goods of chapters 41-49 of the Harmonized System that are not considered to be wholly made in a single country. The rules rely largely on the change of heading as a basis for ascribing origin.

Copies of the proposed revised rules will be available from the Office of the Secretary at the Commission, from the Commission's Internet web server (<http://www.usitc.gov>), by calling the Office of Tariff Affairs and Trade Agreements voice messaging system, 202-205-2592 or by FAX at 202-205-2616.

These proposals, which have been reviewed by interested government agencies, are intended to serve as the basis for the U.S. proposal to the Technical Committee on Rules of Origin (TCRO) of the Customs Cooperation Council (CCC) (now known as the World Customs Organization or WCO). The proposals do not necessarily reflect or restate existing Customs treatment with respect to country of origin applications for all current non-preferential purposes. Based upon a decision of the Trade Policy Staff Committee, the proposals are intended for future harmonization for the nonpreferential purposes indicated in the ARO for application on a global basis. They seek to take into account not only U.S. Customs current positions on substantial transformation but additionally seek to consider the views of the business community and practices of our major trading partners as well. As such they represent an attempt at reaching a basis for agreement among the contracting parties. The proposals may undergo change as proposals from other administrations and the private sector are received and considered. Under the circumstances, the proposals should not be cited as authority for the application of current domestic law.

If eventually adopted by the TCRO for submission to the Committee on Rules of Origin of the World Trade Organization, these proposals would comprise an important element of the ARO work program to develop harmonized, non-preferential country of origin rules, as discussed in the Commission's earlier notice. Thus, in view of the importance of these rules, the Commission seeks to ascertain the views of interested parties concerning the extent to which the proposed rules reflect the standard of substantial transformation provided in the Agreement. In addition, comments are also invited on the format of the

proposed rules and whether it is preferable to another presentation, such as the format for the presentation of the NAFTA origin or marking rules.

Forthcoming Commission notices will advise the public on the progress of the TCRO's work and will contain any harmonized definitions or rules that have been provisionally or finally adopted.

#### Written Submissions

Interested persons are invited to submit written statements concerning this phase of the Commission's investigation. Written statements should be submitted as quickly as possible, and follow-up statements are permitted; but all statements must be received at the Commission by the close of business on February 15, 1996, in order to be considered in the drafting of the final U.S. proposal to the TCRO. Information supplied to the Customs Service in statements filed pursuant to notices of that agency has been given to us and need not be separately provided to the Commission. Again, the Commission notes that it is particularly interested in receiving input from the private sector on the effects of the various proposed rules and definitions on U.S. exports. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be available for inspection by interested persons. All submissions should be addressed to the Office of the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436.

Issued: February 1, 1996.

By order of the Commission.

Donna Koehnke,  
Secretary.

[FR Doc. 96-2536 Filed 2-5-96; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of January, 1996.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

#### Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-31,624; Leroy Industries, Inc., Leroy, NY

TA-W-31,652; Bob-Kat Tanning Co., Inc., Peabody, MA

TA-W-31,677; HBC Barge, Inc., Trinity Industries, Brownsville, PA

TA-W-31,537; The Sero Co., Inc., Cordele, GA

TA-W-31,487; Rex-Rosenlow, Inc., Teterboro, NJ

TA-W-31,622 & TA-W-31,623; Hill Co., Inc., Fort Smith, AR and Charleston, AR

TA-W-31,533; EIS Brake Parts Div., Berlin, CT

TA-W-31,467; Hercules, Inc., Radford, VA

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA-W-31,590; Greif Brothers Corp., Niagara Falls, New York Plant, Niagara Falls, NY

TA-W-31,579; Indian Refining, Lawrenceville, IL

TA-W-31,645; Details By Patricia Green, Portland, OR

TA-W-31,655; Fruit of The Loom, Albemarle Spinning Mills, Albemarle, NC

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-31,577; Cummins Southern plains, Inc., Duncan, OK

TA-W-31,654; ABU-Garcia, Inc., Fairfield, NJ

TA-W-31,679; Hydra-Co., Enterprises, Inc., Syracuse, NY

The workers firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-31,644; Texaco Trading & Transportation, Inc., Central Region Marketing, Tulsa, OK

The investigations revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

#### Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name & location for each determination references the impact date for all workers for such determination.

TA-W-31,603; Diesel Recon Co., Santa Fe Springs, CA; October 25, 1994

TA-W-31,444; CNG Producing Co., New Orleans, LA; September 2, 1995 & Operating at The Following Locations: A; Houma, LA, B; Ardmore, OK, C; Roosevelt, UT, D; Indiana, PA, E; Bridgeport, WV: September 1, 1994

TA-W-31,627; Willits Footwear Worldwide, Newvill Div., Newville, PA; November 1, 1994

TA-W-31,684; Lamsteel Corp of America, Two Plants & Warehouse, Hartsville, TN; November 13, 1994

TA-W-31,438; Angelica Uniform Group, Ackerman, MS; August 31, 1994

TA-W-31,743; R.D. Simpson, Inc., (including D&E Laundry), Cartersville, GA; December 4, 1994

TA-W-31,700, A & B; Wrangler, Inc., Newbern Div., Lonoke, AR Newbern, TN & Troy, TN: November 17, 1994

TA-W-31,629, TA-W-31,630 & A, B; Vanity Fair Mills, Inc., Robertsedale, AL, Butler, AL, Monroeville, AL & Jackson, AL; November 1, 1994

TA-W-31,712; Southwestern Cutting Service, El Paso, TX: November 29, 1994

TA-W-31,778; F.G. Montabert, Midland Park, NJ: December 7, 1994

TA-W-31,633; Columbia Footwear Corp., Hazleton, PA: July 13, 1995

TA-W-31,646; DMI Furniture, Inc., Gettysburg, PA: November 15, 1994

TA-W-31,707; Americana Art China Co., Sebring, OH: November 21, 1994

TA-W-31,626; North By Northeast, Pawtucket, RI: November 1, 1994

TA-W-31,637; Guin Manufacturing Col, Guin, AL: November 7, 1994

TA-W-31,656; American Trouser, Inc., Columbus, MS: November 15, 1994

TA-W-31,751; Becton Dickinson & Co., El Paso, TX: December 18, 1994

TA-W-31,666; Allied Signal Aerospace, Aerospace Equipment Systems, Eatontown, NJ: October 20, 1994

TA-W-31,631; Thomas Industries, Inc., Hopkinsville, KY: November 2, 1994

TA-W-31,691; RAD Woodwook Co., Inc., Nescopeck, PA: November 13, 1994

TA-W-31,768; Newell Window Furnishings, Div. of Newell Co., Ogdensburg, NY: December 4, 1994

TA-W-31,682, TA-W-31,682; Ithaca Industries, Inc., Plant #1, #2, Chadbourn, NC, Robersonville, NC: October 30, 1994

TA-W-31,683; Ithaca Industries, Inc., Lakeland, GA: November 16, 1994

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance hereinafter called (NAFTA-TAA) and in accordance with section 250(a) Subchapter D, Chapter 2, title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA-TAA issued during the month of January, 1996

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA-TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases in imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

#### Negative Determinations NAFTA-TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA-TAA-00690; *Carpenter Manufacturing, Inc., Mitchell, IN*  
 NAFTA-TAA-00681; *Fruit of The Loom, Albemarle Sprinning Mills, Albemarle, NC*  
 NAFTA-TAA-00682; *Details By Patricia Green, Portland, OR*  
 NAFTA-TAA-00691; *New York Newsday, Melville, NY*  
 NAFTA-TAA-00698; *Johnson Controls, Inc., Lexington, KY*  
 NAFTA-TAA-00684; *Mead, School and Office Products Div. Salem, OR*

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA-TAA-00741; *W.B. Thompson Co., Inc., Iron Mountain, MI*  
 NAFTA-TAA-00701; *Matsushita Electric Corporation of America, Matsushita Logistics Co., Fort Worth, TX*  
 NAFTA-TAA-00717; *Port Gamble Country Store, Port Gamble, WA*  
 NAFTA-TAA-00728; *Karl J. Marx Co., Inc., New York, NY*  
 NAFTA-TAA-00744; *Capin Mercantile Corp., Nogales, AZ*

The investigation revealed that the workers of the subject firm do not produce an article within the meaning of section 250(a) of the Trade Act, as amended.

#### Affirmative Determinations NAFTA-TAA

The following certifications have been issued; the date following the company name & location for each determination references the impact date for all workers for such determination.

NAFTA-TAA-00722; *Wheelabrator Air Pollution Control, Pittsburgh, PA: October 24, 1994*  
 NAFTA-TAA-00749; *G.N. Great Nordic, G.N. Netteest Laser Precision, Utica, NY: January 12, 1994*  
 NAFTA-TAA-00761; *Adrian Manufacturing, Inc., El Paso, TX: January 5, 1995*  
 NAFTA-TAA-00685; *RAD Woodwork Co., Inc., Nescopeck, PA: November 13, 1994*  
 NAFTA-TAA-00708; *Tri-Con Industries, Limited, A Subsidiary of Tokyo Seat Co., Cape Girardeau, MO: November 22, 1994*  
 NAFTA-TAA-00696; *Intercontinental Branded Apparel, Hialeah, FL: November 15, 1994*  
 NAFTA-TAA-00714; *Allied Signal Aerospace, Aerospace Equipment Systems, Eatontown, NJ: September 26, 1994*  
 NAFTA-TAA-00688; *Becton Dickinson and Co., El Paso, TX: November 20, 1994*  
 NAFTA-TAA-00686; *Colgate-Palmolive Co., Jeffersonville Plant, Jeffersonville, IN: November 2, 1994*  
 All workers of Colgate-Palmolive Co., Jeffersonville Plant, Jeffersonville, IN engaged in employment related to the production of powered laundry detergent are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974.  
 All workers of Colgate-Palmolive Co., Jeffersonville Plant, Jeffersonville, IN engaged in employment related to the production of liquid dishwashing detergent are denied eligibility to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974.  
 NAFTA-TAA-00720; *Newell Window Furnishings, Div. of Newell Co., Ogdensburg, NY: December 11, 1994*  
 NAFTA-TAA-00672; *Western Reserve Products, Visador Div., Jasper, TX: October 30, 1994*  
 NAFTA-TAA-00666; *Scentique Boudoir Accessories, Inc., Carbondale, PA: October 26, 1994*  
 NAFTA-TAA; *Turner & Seymour Manufacturing Co., Bonners Ferry, ID: December 6, 1994*  
 NAFTA-TAA-00693, *A&B; Wrangler, Inc., Newbern Div., Newbern, TN, Troy, TN & Lonoke, AR: November 17, 1994*  
 NAFTA-TAA-00753; *Rhone-Poulenc, Inc., Newark, NJ: December 14, 1994*  
 NAFTA-TAA-00743; *Major League, Inc., Jasper, GA: December 27, 1994*  
 NAFTA-TAA-00725; *H.H. Cutler Co. (A Div. of VF Corp), Cutler Sports Apparel, Grand Rapids, MI: December 18, 1994*

NAFTA-TAA-00740; *Tailor Tech*,  
Catawissa, PA: December 14, 1994

NAFTA-TAA-00721; *R.D. Simpson, Inc*  
(Including D&E Laundry),  
Cartersville, GA: December 4, 1994

NAFTA-TAA-00713; *Southwestern*  
*Cutting Service*, El Paso, TX:  
December 5, 1994

NAFTA-TAA-00736; *Siemens Energy*  
*and Automation, Inc., Residential*  
*Products Div.*, El Paso, TX:  
December 12, 1994

I hereby certify that the  
aforementioned determinations were  
issued during the month of January,  
1996. Copies of these determinations are  
available for inspection in Room C-  
4318, U.S. Department of Labor, 200  
Constitution Avenue, NW., Washington,  
DC. 20210 during normal business  
hours or will be mailed to persons who  
write to the above address.

Dated: January 26, 1996.

Russell Kile,

*Acting Program Manager, Policy &*  
*Reemployment Services, Office of Trade*  
*Adjustment Assistance.*

[FR Doc. 96-2482 Filed 2-5-96; 8:45 am]

BILLING CODE 4510-30-M

#### **Notice of Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance**

In accordance with section 223 of the  
Trade Act of 1974, as amended, the  
Department of Labor herein presents  
summaries of determinations regarding  
eligibility to apply for trade adjustment  
assistance for workers (TA-W) issued  
during the period of December, 1995.

In order for an affirmative  
determination to be made and a  
certification of eligibility to apply for  
worker adjustment assistance to be  
issued, each of the group eligibility  
requirements of section 222 of the Act  
must be met.

(1) That a significant number or  
proportion of the workers in the  
workers' firm, or an appropriate  
subdivision thereof, have become totally  
or partially separated,

(2) That sales or production, or both,  
of the firm or subdivision have  
decreased absolutely, and

(3) That increases of imports of  
articles like or directly competitive with  
articles produced by the firm or  
appropriate subdivision have  
contributed importantly to the  
separations, or threat thereof, and to the  
absolute decline in sales or production.

#### **Negative Determinations for Worker Adjustment Assistance**

In each of the following cases the  
investigation revealed that criterion (3)  
has not been met. A survey of customers  
indicated that increased imports did not  
contribute importantly to worker  
separations at the firm.

TA-W-31,595; *Thompson River Lumber*  
*Co.*, Thompson Falls, MT

In the following cases, the  
investigation revealed that the criteria  
for eligibility have not been met for the  
reasons specified.

TA-W-31,535; *American Electric Power*  
(*Ohio Power Co.*), Cardinal Plant,  
Brilliant, OH

TA-W-31,659 & A; *Custom Packaging*  
*Systems, Inc.*, Manistee, MI and  
Rapid City, SD

TA-W-31,605; *General Dynamics Corp.*,  
*General Dynamics Land Div.*,  
Scranton Plant, Eynon, PA

Increased imports did not contribute  
importantly to worker separations at the  
firm.

TA-W-31,556; *Milady Brassiere &*  
*Corset Co.*, New York, NY

The workers firm does not produce an  
article as required for certification under  
section 222 of the Trade Act of 1974.

#### **Affirmative Determinations for Worker Adjustment Assistance**

The following certifications have been  
issued; the date following the company  
name and location for each  
determination references the impact  
date for all workers for such  
determination.

TA-W-31,729; *RDL Acoustics, Inc.*,  
Bellingham, MA: November 14,  
1995.

TA-W-31,530; *Anitec Image Corp.*,  
Binghamton, NY: October 6, 1994.

TA-W-31,550; *Lawler Hosiery, A*  
*Division of Kayby Mills of North*  
*Carolina*, Carrollton, GA: October 5,  
1994.

TA-W-31,732; *Oxford Shirts Process*  
*2000 Laundry & Finishing Div.*,  
Vidalia, GA: November 21, 1994.

TA-W-31,539; *B & C Well Service*,  
Borger, TX: October 2, 1994.

TA-W-31,583; *Ethicon, Inc.*, Chicago,  
IL: October 18, 1994.

TA-W-31,647 & TA-W-31,648; *Country*  
*Maid Sportswear, Inc.*, Danville, PA  
& Shamokin Dam, PA: November  
13, 1994.

TA-W-31,560 & TA-W-31,561; *Unocal*  
*Corp.*, Energy Resource Div.,  
Bakerfield, CA and Ventura, CA:  
May 18, 1994.

TA-W-31,562 & TA-W-31,563 & A;  
*Unocal Corp.*, Energy Resource Div.,  
Orcutt, CA & Santa Fe, CA &

*Throughout the State of CA: May*  
*18, 1994.*

Also, pursuant to Title V of the North  
American Free Trade Agreement  
Implementation Act (Pub. L. 103-182)  
concerning transitional adjustment  
assistance hereinafter called (NAFTA-  
TAA) and in accordance with section  
250(a) Subchapter D, Chapter 2, Title II,  
of the Trade Act as amended, the  
Department of labor presents summaries  
of determinations regarding eligibility to  
apply for NAFTA-TAA issued during  
the month of December, 1995.

In order for an affirmative  
determination to be made and a  
certification of eligibility to apply for  
NAFTA-TAA the following group  
eligibility requirements of Section 250  
of the Trade Act must be met:

(1) That a significant number of  
proportion of the workers in the  
workers' firm, or an appropriate  
subdivision thereof, (including workers  
in any agricultural firm or appropriate  
subdivision thereof) have become totally  
or partially separated from employment  
and either—

(2) That sales or production, or both,  
of such firm or subdivision have  
decreased absolutely,

(3) That imports from Mexico or  
Canada of articles like or directly  
competitive with articles produced by  
such firm or subdivision have increased,  
and that the increases in imports  
contributed importantly to such  
workers' separations or threat of  
separation and to the decline in sales or  
production of such firm or subdivision;  
or

(4) That there has been a shift in  
production by such workers' firm or  
subdivision to Mexico or Canada of  
articles like or directly competitive with  
articles which are produced by the firm  
or subdivision.

#### **Negative Determinations NAFTA-TAA**

In each of the following cases the  
investigation revealed that criteria (3)  
and (4) were not met. Imports from  
Canada or Mexico did not contribute  
importantly to workers' operations.  
There was no shift in production from  
the subject firm to Canada or Mexico  
during the relevant period.

*None.*

In the following cases, the  
investigation revealed that the criteria  
for eligibility have not been met for the  
reasons specified.

NAFTA-TAA-00673; *Hydra-Co*  
*Enterprises, Inc.*, Syracuse, NY

The investigation revealed that the  
workers of the subject firm do not  
produce an article with in the meaning  
of section 250(a) of the Trade Act, as  
amended.

**Affirmative Determinations NAFTA-TAA**

The following certifications have been issued; the date following the company name and location for each determination references the impact date for all workers for such determination.

NAFTA-TAA-00715; *Marshall Electric Corp., Rochester Plant, Rochester, IN: November 20, 1994.*

NAFTA-TAA-00700; *Robertshaw Controls Co., Grayson Controls Div., Long Beach, CA: November 10, 1994.*

NAFTA-TAA-00706; *Oxford Shirts, Process 2000 Laundry & Finishing Div., Vidalia, GA: November 21, 1994.*

NAFTA-TAA-00702 & A; *The Isfel Co., Inc., Country Main Sportswear, Inc., Danville, PA & Shamokin Dam, PA: November 17, 1994.*

I hereby certify that the aforementioned determinations were issued during the month of December, 1995. Copies of these determinations are available for inspection in Room C-4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 16, 1996.

Russell Kile,

*Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.*

[FR Doc. 96-2480 Filed 2-5-96; 8:45 am]

BILLING CODE 4510-30-M

**[TA-W-29,974]****VIC Manufacturing Co. Minneapolis, Minnesota, Negative Determination on Reconsideration**

The United States Court of International Trade (USCIT) granted the Secretary of Labor's motion for a voluntary remand for further investigation in *Nelson v. Secretary of Labor*

(94-10-00630).

The Department's initial denial for the workers of Vic Manufacturing Company, Minneapolis, Minnesota, issued on August 15, 1995 and published in the Federal Register on September 2, 1994 (59 FR 45711), was based on the fact that the workers provided a service and did not produce an article.

The petitioners request for reconsideration was dismissed on September 19, 1994 and published in the Federal Register on September 27, 1994 (59 FR 49260). The Department's

dismissal was based on the fact that the application contained no new substantial information which would bear importantly on the determination.

On remand, during the Department's investigation, it was determined that the TAA petition filed on behalf of the workers at Vic Manufacturing is invalid. The petition does not meet the statutory time requirements of the Trade Act of 1974. The TAA petition filed on behalf of the workers at Vic Manufacturing was dated May 9, 1994. (See AR p. 2.) The date of worker separation for Tony Nelson, petitioner number 1, was January 29, 1993, and for Raymond Menard, petitioner number 2, November 11, 1992. The third petitioner was within the scope of consideration. However, a valid petition must be signed by three affected workers. Mr. Nelson and Mr. Menard were separated from employment with Vic Manufacturing more than one year prior to the May 9, 1994, filing date. Section 223(b)(1) of the Trade Act of 1974 provides that a trade adjustment assistance certification may not apply to a worker whose separation from employment occurred more than one year prior to the date the petition was filed. The Trade Act does not give the Secretary authority to waive this statutory limitation.

**Conclusion**

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance for workers and former workers of the Vic Manufacturing Company, Minneapolis, Minnesota.

Signed at Washington, DC, this 26th day of January 1996.

Russell T. Kile,

*Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.*

[FR Doc. 96-2481 Filed 2-5-96; 8:45 am]

BILLING CODE 4510-30-M

**Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance**

TA-W-31,458 Supreme Slipper Manufacturing Company, Inc., Bangor, Maine and TA-W-31,458A Lewiston, Maine

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 5, 1995, applicable to all workers at Supreme Slipper Manufacturing Company, Inc., located

in Bangor, Maine. The notice was published in the Federal Register on October 27, 1995 (60 FR 55064).

New information received from the company shows that worker separations will occur at the Lewiston, Maine location of Supreme Slipper. The workers are engaged in employment related to the production of slippers. The Department is amending the certification to cover these workers.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports.

The amended notice applicable to TA-W-31,458 is hereby issued as follows:

"All workers of Supreme Slipper Manufacturing Company, Inc., Bangor, Maine (TA-W-31,458), and Lewiston, Maine (TA-W-31,458A) who became totally or partially separated from employment on or after September 1, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, DC this 23rd day of January 1996.

Russell T. Kile,

*Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.*

[FR Doc. 96-2479 Filed 2-5-96; 8:45 am]

BILLING CODE 4510-30-M

**Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Program Manager of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than February 16, 1996.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than (February 16, 1996 in the Federal Register).

The petitions filed in this case are available for inspection at the Office of the Program Manager, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, D.C. this 18th day of December, 1995.

Russell Kile,  
*Acting Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.*

#### APPENDIX

[Petitions Instituted On 12/18/95]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
31,733 .....	Boise Cascade Corp. (Comp) .....	Emmett, ID .....	12/07/95	Lumber, Plywood & Wood Products.
31,734 .....	American Insulated Wire (IBEW) ....	Pawtucket, RI .....	12/04/95	Wire & Cable.
31,735 .....	American Hardwood Inc. (Wkrs) ....	Tualatin, OR .....	12/07/95	Laminated Hardwood Veneer Panels.
31,736 .....	Bear Clothing Group (UNITE) .....	Clearfield, PA .....	12/11/95	Men's Tailored Clothing.
31,737 .....	B & A Manufacturing (Co.) .....	Weaver, AL .....	11/27/95	Children's Sportswear.
31,738 .....	Easton Composites, Inc. (Wkrs) ....	San Diego, CA .....	12/04/95	Sports Equipment.
31,739 .....	International Paper (GCIU) .....	Peoria, IL .....	12/04/95	Printed & Finished Paper Labels.
31,740 .....	Paxar Corp. (Wkrs) .....	Hillsville, VA .....	11/02/95	Woven Labels for Apparel Industry.
31,741 .....	Motion Control Industries (Wkrs) ....	Ridgway, PA .....	12/04/95	Brake Blocks for Tractor-Trailer.
31,742 .....	Quantum Corp. (Wkrs.) .....	Shrewsbury, MA .....	12/04/95	Hard Disk Drive Data Storage Devices.
31,743 .....	R.D. Simpson, Inc. (Wkrs) .....	Cartersville, GA .....	12/04/95	Ladies' Jeans.
31,744 .....	Rome Manufacturing (Co.) .....	Rome, GA .....	11/20/95	Men's Pants.
31,745 .....	Sanco Corp. (Wkrs) .....	Benton, AR .....	11/06/95	Microwave Harnesses & TV Coils.
31,746 .....	Smith's Home Furnishings (Wkrs) ..	Bellingham, WA .....	12/01/95	Kitchen Appliance.
31,747 .....	Thomson Consumer Electron (IBEW).	Bloomington, IN .....	11/24/95	Televisions.
31,748 .....	Union Supply Co. (Wkrs) .....	Midland, TX .....	12/06/95	Office Work (Oilfield Supplies).
31,749 .....	Equitable Resources Explo (Co.) ...	Buckhannon, WV .....	12/05/95	Natural Gas Drilling.
31,750 .....	California Microwave (Wkrs) .....	Bloomington, IL .....	12/05/95	Microwave Transmission Products.
31,751 .....	Becton Dickinson Acutecar (Wkrs) .	El Paso, TX .....	12/05/95	Gloves.
31,752 .....	D & D Manufacturing, Inc. (Co) .....	Watertown, TN .....	12/04/95	Jeans.
31,753 .....	Turner & Seymour Mfg. (Co.) .....	Torrington, CT .....	12/07/95	Welded Chain.
31,754 .....	Staffing Connections (Wkrs) .....	Drexel, NC .....	12/07/95	T-Shirts.

[FR Doc. 96-2478 Filed 2-5-96; 8:45 am]

BILLING CODE 4510-30-M

#### [TA-W-31,356]

##### Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In the matter of Jeld-Wen of Bend/Bend Millwork including Pozzi Window and Bend Door Co., Bend, Oregon and Pozzi Window and Bend Door Co. operating in the States of: California (TA-W-31,356A), Illinois (TA-W-31,356B), New Jersey (TA-W-31,356C), New York (TA-W-31,356D), and Pennsylvania (TA-W-31,356E).

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on September 21, 1995, applicable to all workers at Jeld-Wen of Bend/Bend Millwork, located in Bend, Oregon. The notice was published in the Federal Register on October 5, 1995 (60 FR 52213). The certification was subsequently amended October 24,

1995, to include workers of Pozzi Window and Door Co., also located in Bend, Oregon. The notice was published in the Federal Register on November 7, 1995 (60 FR 56172).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The subject firm reports that Pozzi Window and Bend Door Co. had workers in California, Illinois, New Jersey, New York and Pennsylvania. The workers are engaged in employment related to the production of commodity millwork. The Department is again amending the certification to provide for worker separations at the Pozzi Window locations in the other States.

The intent of the Department's certification is to include all workers of the subject firm adversely affected by imports.

The amended notice applicable to TA-W-31,356 is hereby issued as follows:

"All workers of Jeld-Wend of Bend/Bend Millwork, Pozzi Window and Bend Door Company, Bend Oregon; and all workers of Pozzi Window and Bend Door Co., operating

in the States of California (TA-W-31,356A), Illinois (TA-W-31,356B), New Jersey (TA-W-31,356C), New York (TA-W-31,356D), and Pennsylvania (TA-W-31,356E) who became totally or partially separated from employment on or after August 9, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C. this 23rd day of January 1996.

Russell T. Kile,  
*Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.*

[FR Doc. 96-2476 Filed 2-5-96; 8:45 am]

BILLING CODE 4510-30-M

#### [TA-W-30, 331]

##### Kerr-McGee Corporation Headquartered in Oklahoma City, Oklahoma Operating Out of the Following Field Offices; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In the Matter of TA-W-30, 331I Chapel Hill, Texas, TA-W-30, 331J Midland, Texas, TA-W-30, 331K Borger, Texas, TA-W-30, 331L Houston, Texas.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on November 10, 1994, applicable to all workers of Kerr-McGee Corporation headquartered in Oklahoma City, Oklahoma. The notice was published in the Federal Register on December 9, 1994 (59 FR 63823). The certification was subsequently amended to cover workers of the subject firm in other locations, and was published in the Federal Register on August 9, 1995 (60 FR 40614).

At the request of the Company, the Department reviewed the subject certification for workers of the subject firm. New findings show that worker separations have occurred at the Kerr-McGee Corporation locations in Chapel Hill, Midland, Borger, and Houston, Texas. Accordingly, the Department is amending the certification to cover these workers.

The intent of the Department's certification is to include all workers of Kerr-McGee Corporation who were adversely affected by increased imports.

The amended notice applicable to TA-W-30, 331 is hereby issued as follows:

"All workers of Kerr-McGee Corporation, headquartered in Oklahoma City, Oklahoma (TA-W-30, 331) engaged in the production of crude oil and natural gas who became totally or partially separated from employment on or after July 31, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

"All workers of Kerr-McGee Corporation, at the below cited locations engaged in the production of crude oil and natural gas who became totally or partially separated from employment on or after August 17, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974:

TA-W-30, 331I Chapel Hill, Texas,  
TA-W-30, 331J Midland, Texas,  
TA-W-30, 331K Borger, Texas,  
TA-W-30, 331L Houston, Texas.

Signed at Washington, DC this 23rd day of January 1996.

Russell T. Kile,

*Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.*

[FR Doc. 96-2475 Filed 2-5-96; 8:45 am]

BILLING CODE 4510-30-M

### **Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance**

In the Matter of TA-W-31,599 Fruit of the Loom Bowling Green, KY and TA-W-31,599A Franklin, KY.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on November 30, 1995, applicable to all workers at Fruit of the Loom located in Bowling Green, Kentucky. The notice was published in the Federal Register on December 12, 1995 (60 FR 63732).

At the request of petitioners, the Department reviewed the certification for workers of the subject firm. Information provided by the company shows that worker separations have occurred at the Franklin, Kentucky location of Fruit of the Loom. The workers are engaged in employment related to the production of ladies', children's and men's underwear, turtlenecks, shirts, t-shirts, shorts and fleece sets. The Department is amending the certification to cover these workers.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports.

The amended notice applicable to TA-W-31,599 is hereby issued as follows:

"All workers of Fruit of the Loom, Bowling Green, Kentucky (TA-W-31,599), and Franklin, Kentucky (TA-W-31,599A) who became totally or partially separated from employment on or after October 18, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, DC, this 23rd day of January 1996.

Russell T. Kile,

*Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.*

[FR Doc. 96-2474 Filed 2-5-96; 8:45 am]

BILLING CODE 4510-30-M

### **Notice of Renewal; Federal Advisory Committee Act; Federal Committee on Apprenticeship**

Notice is hereby given that after consultation with the General Services Administration, it has been determined that the Federal Committee on Apprenticeship, whose charter expired December 14, 1995, is hereby renewed for a period of two years. This action is necessary and in the public interest.

The committee will be an effective instrument for providing assistance, advice, and counsel to the Secretary of Labor and the Assistant Secretary of Labor for the Employment and Training Administration in the development and implementation of administration policies on legislation and regulations affecting apprenticeship; determining the proper and most effective role of the

apprenticeship concept of training in meeting future skilled worker training needs; carrying out of program responsibilities in the apprenticeship and journeyworker training areas; and providing recommendations on such matters as the need of employers in industries facing skilled worker shortages.

The Committee will consist of 7 representatives of employers, 7 representatives of labor, and 7 representatives of the public, including one or more educators.

The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Its charter is being filed at this time in accordance with approval by the General Services Administration Secretariat pursuant to 41 CFR 101-6.1015(a)(2).

Signed at Washington, DC, this 26th day of January 1996.

Robert B. Reich,

*Secretary of Labor.*

[FR Doc. 96-2472 Filed 2-5-96; 8:45 am]

BILLING CODE 4510-30-M

### **Investigations Regarding Certifications of Eligibility to Apply for NAFTA Transitional Adjustment Assistance**

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub. L. 103-182), hereinafter called (NAFTA-TAA), have been filed with State Governors under section 250(a) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA-TAA petition has been received, the Program Manager of the Office of Trade Adjustment Assistance (OTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes actions pursuant to paragraphs (c) and (e) of section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment of after December 8, 1993 (date of enactment of Pub. L. 103-182) are eligible to apply for NAFTA-TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Program Manager of OTAA at the U.S.



Department of Labor (DOL) in Washington, DC provided such request is filed in writing with the Program Manager of OTAA not later than February 16, 1996.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the

Program Manager of OTAA at the address shown below not later than February 16, 1996.

Petitions filed with the Governors are available for inspection at the Office of the Program Manager, OTAA, ETA, DOL, Room C-4318, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 23rd day of January, 1996.

Russell T. Kile,

*Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.*

#### APPENDIX

Petitioner (union/workers/firm)	Location	Date received at Governor's office	Petition No.	Articles produced
Equitable Resources Energy Co.; Drilling and Exploration (Co.).	Buckhannon, WV .....	10/19/95	NAFTA-00662	Natural oil and gas.
Selmet; Golf (Wkrs) .....	Albany, OR .....	10/30/95	NAFTA-00663	Titanium golf club heads.
Koring Brothers, Inc. (Wkrs) .....	Long Beach, CA .....	10/30/95	NAFTA-00664	Netting and twine.
American Meter Company; Industrial Products Div. (IUE).	Erie, PA .....	10/30/95	NAFTA-00665	Regulator assembly for gas meters.
Scentique Boudoir Accessories Inc. (Co.).	St. Carbondale, PA ...	10/31/95	NAFTA-00666	Lingerie and accessories.
Diesel Recon Company (Co.) .....	Sante Fe Springs, CA	10/31/95	NAFTA-00667	Remanufacturing of diesel engines (Cummins).
Christian Fashions; (formerly Montana Fashions) (Co.).	El Paso, TX .....	11/01/95	NAFTA-00668	Denim jeans and assorted denim clothing.
Kellogg Company; San Leandro (AFGM).	San Leandro, CA .....	11/01/95	NAFTA-00669	Ready to eat cereal.
Bausch and Lomb; Personal Products Div. (Wkrs).	Rochester, NY .....	11/01/95	NAFTA-00670	Personal dental accessories.
Aquatech Inc. ....	El Paso, TX .....	11/02/95	NAFTA-00671	Jeans and assorted.
Greenwood/East-West (LMO) .....	.....	.....	.....	Denim products.
Western Reserve Products; Visador Div. (Wkrs).	Jasper, TX .....	11/02/95	NAFTA-00672	Decorative glass products.
Hydra-Co Enterprises Inc. (Wkrs) .....	Syracuse, NY .....	11/06/95	NAFTA-00673	Electricity.
Wondermaid Inc.; Wondermaid and De La Rose (UNITE).	Washington, MO .....	11/06/95	NAFTA-00674	Women's daywear and undergarments.
M.J. Electric Inc.; Industrial (IBEW) ....	Iron Mt., MI .....	11/06/95	NAFTA-00675	Electricity.
Greenfield Research Inc.; Howe Plant (Wkrs).	Howe, IN .....	11/08/95	NAFTA-00676	Automotive seating units.
Triangle Wire & Cable (IBEW) .....	Glen Dale, WV .....	11/08/95	NAFTA-00677	Steel conduit and strip steel.
Sons Transportation (Wkrs) .....	Springfield, MA .....	11/09/95	NAFTA-00678	Trucking of styrene manomer.
Cal-Style Furniture Mfg. Co. (Co.) .....	Compton, CA .....	11/09/95	NAFTA-00679	Dinette sets.
Inland Steel Company; Industrial Products Plate Div. (USA).	East Chicago, IL .....	11/09/95	NAFTA-00680	Steel products ie. alloy plates.
Albemarle Spining Mills; Martin Mills (Wkrs).	Albemarle, NC .....	11/12/95	NAFTA-00681	Yarn and greige cloth.
Details by Patricia Green (Wkrs) .....	Portland, OR .....	11/13/95	NAFTA-00682	Women's fashion belts.
VF Corporation; Lee Apparel (UFCW)	St. Joseph, MO .....	11/12/95	NAFTA-00683	Jeans and related denim items.
Mead Products; Salem (UPIU) .....	Salem, OR .....	11/15/95	NAFTA-00684	Trimmer machines, envelope machines, . . . etc.
Rad Woodwork Co. Inc. (UWA) .....	Nescopeck, PA .....	11/15/95	NAFTA-00685	Laminated floors and butcher-block furniture.
Colgate Palmolive Co.; Liquids and Powdered Detergents (CWU).	Clarksville, IN .....	11/16/95	NAFTA-00686	Dishwashing liquids and powdered detergents.
Mamiye Bros. Inc.; Americana Knitting Mills Inc. (Wkrs).	Miami, FL .....	11/16/95	NAFTA-00687	Girl's sweaters.
Becton Dickinson; Acute Care (Wkrs) .	El Paso, TX .....	11/20/95	NAFTA-00688	Medical devices and surgical gloves.
Brookshire Group (USA) .....	McCordsville, IN .....	11/20/95	NAFTA-00689	Air moving devices i.e. fans and blowers.
Carpenter Manufacturing (UAW) .....	Mitchell, IN .....	11/20/95	NAFTA-00690	Ford clipper buses.
Newsday; New York Newsday (GCIU)	Melville, NY .....	11/20/95	NAFTA-00691	Newsprint.
Southern Apparel Co.; Blue (Co.) .....	Robersonville, NC ....	11/20/95	NAFTA-00692	Western jeans.
Wrangler (Wkrs) .....	Lonoke, AR .....	11/20/95	NAFTA-00693	Jeans.
Flour Daniel Inc.; NPOSR (Wkrs) .....	Casper, WY .....	11/21/95	NAFTA-00694	Crude oil and natural gas.
Colebrook Terry Inc.; York and Colebrook Plants (UNITE).	Colebrook, PA .....	11/21/95	NAFTA-00695	Ladies lingerie.
Intercontinental Branded Apparel (UNITE).	Hialeah, FL .....	11/21/95	NAFTA-00696	Men's suits.
Boise Cascade Timber and Wood Products; Northeast Oregon Region (LU 2821).	Le Grande, OR .....	11/22/95	NAFTA-00697	Timber.
Johnson Controls; SSD (LOCAL 433) .	Lexington, KY .....	11/27/95	NAFTA-00698	Thermostat controls.
McAllen Company Inc. (Wkrs) .....	Charlotte, NC .....	11/27/95	NAFTA-00699	Shirts.



## APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received at Governor's office	Petition No.	Articles produced
Robertshaw Controls Co.; Grayson Controls Div. (Co.).	Long Beach, CA .....	11/27/95	NAFTA-00700	Gas controls valves.
Matsushita Electric Company of America; Matsushita Logistics Company (Wkrs).	Ft. Worth, TX .....	11/27/95	NAFTA-00701	Color televisions and microwave ovens.
Country Maid Sportswear Inc.; (two locations) (Wkrs).	Danville, PA .....	11/27/95	NAFTA-00702	Children's wear for girls.
York International; Miller Picking (USWA).	Johnstown, PA .....	11/27/95	NAFTA-00703	HVAC equipment.
AT&T Microelectronics; Optoelectronics (IBEW).	Clark, NJ .....	11/17/95	NAFTA-00704	Under-water communication repeaters.
American Standard; Plumbing and Fittings (USWA).	Paintsville, KY .....	11/28/95	NAFTA-00705	Plumbing and fitting products.
Oxford Industries; (two locations) (Co.)	Atlanta, GA .....	11/28/95	NAFTA-00706	Shirts.
SEA Enterprises (Co.) .....	Kent, WA .....	11/30/95	NAFTA-00707	Manufacturer coupons.
Tri-Con; Tokyo Seat (AFL-CIO) .....	Cape Girardeau, MO .	12/04/95	NAFTA-00708	Automotive seat covers.
Ellingson Lumber Co.; Burnt River Div. (Wkrs).	Baker City, OR .....	12/04/95	NAFTA-00709	Lumber.
Rome Mfg. Co. (Co.) .....	Rome, GA .....	12/05/95	NAFTA-00710	Men's pants.
Sara Lee Knit Products (Co.) .....	Eastman, GA .....	12/04/95	NAFTA-00711	T-Shirts.
Alcoa Fujikura LTD.; Circuit Assembly (Wkrs).	El Paso, TX .....	12/05/95	NAFTA-00712	Circuits.
Southwestern Cutting Service (Wkrs) .	El Paso, TX .....	12/05/95	NAFTA-00713	Textiles.
Allied Signal Equipment Systems (Wkrs).	Eatontown, NJ .....	10/27/95	NAFTA-00714	Printed circuit boards.
Marshall Electronic Corp.; Rochester Plant (Co.).	Rochester, IN .....	11/30/95	NAFTA-00715	Output transformers.
Crown Cork And Seal Co. Inc.; Plant 1 (IAM & AW).	Philadelphia, PA .....	12/08/95	NAFTA-00716	Sanitary aerosol cans.
Port Gamble Country Store (Co.) .....	Port Gamble, WA .....	12/08/95	NAFTA-00717	Retail store.
Paxport Mills Inc. (Co.) .....	Tacoma, WA .....	12/08/95	NAFTA-00718	Red cedar fencing.
American Hardwoods Inc.; Brands Corp. (Wkrs).	Tualatin, OR .....	12/11/95	NAFTA-00719	Softwood lumber.
Newell Window Furnishings; Joanna Window Decor (UPIU).	Freeport, IL .....	12/11/95	NAFTA-00720	Rollers and shades.
R.D. Simpson (Wkrs) .....	Cartersville, GA .....	12/13/95	NAFTA-00721	Denim jeans and shorts.
Wheelabrator; Air Pollution Control (Wkrs).	Pittsburgh, PA .....	12/13/95	NAFTA-00722	Standard fabric filter products.
Turner and Seymour Mfg. Co. (Wkrs) ...	Toorington, CT .....	12/13/95	NAFTA-00723	Welded chain.
Gould-Shawmut; Circuit Protection (IBEW).	Newburyport, MA .....	12/14/95	NAFTA-00724	Medium voltage line fuses.
H.H. Cutler; VF Corporation (Co.) .....	Grand Rapids, MI .....	12/18/95	NAFTA-00725	T-shirts and sweatshirts.
Standard Motor Products; Brake Parts (Wkrs).	Rural Retreat, VA .....	12/15/95	NAFTA-00726	Motor products.
Dressing for Two (Wkrs) .....	New York City, NY ....	12/18/95	NAFTA-00727	Women's sportswear and apparel.
Karl J. Marx (Wkrs) .....	New York, NY .....	12/18/95	NAFTA-00728	Family clothing and housewares.
DSI Inc.; Shore Rebound (LOCAL 132) .	Freeport, NY .....	12/18/95	NAFTA-00729	Plastic molded cosmetic cases.
Decor Home Fashions (LOCAL 132) ..	Brooklyn, NY .....	12/18/95	NAFTA-00730	Plastic housewares.
Rockwell Int.; Semiconductor Systems (Wkrs).	El Paso, TX .....	01/03/96	NAFTA-00731	Semiconductors.
Cutting Services (Wkrs) .....	El Paso, TX .....	01/03/96	NAFTA-00732	Clothing.
Final Finish (Co.) .....	El Paso, TX .....	12/28/95	NAFTA-00733	Denim apparel.
Amistad Beef Company (Co.) .....	Refugio, TX .....	12/18/95	NAFTA-00734	Beef and beef by-products.
Synergy Inc.; Greenwood Mills (Wkrs)	El Paso, TX .....	01/03/96	NAFTA-00735	Machinery maintenance.
Siemen's Energy and Automation Inc.; Residential Products Div. (Wkrs).	El Paso, TX .....	12/19/95	NAFTA-00736	Residential circuit breakers.
Anchor Glass Container Corp. (LOCAL 119).	Cliffwood, NJ .....	01/16/96	NAFTA-00737	Glass bottles.
Capri Lighting; Thomas Industries (Wkrs).	Los Angeles, CA .....	01/16/96	NAFTA-00738	Lighting equipment.
Pabst Brewing Co.; Miller Brewing Co. (UAW).	Milwaukee, WI .....	12/21/95	NAFTA-00739	Beer.
Tailor Tech (Wkrs) .....	Catawissa, PA .....	12/15/95	NAFTA-00740	Children's and ladies clothing.
W.B. Thompson Co., Inc. (Wkrs) .....	Iron Mountain, MI .....	12/20/95	NAFTA-00741	Mining products and supplies.
Lewistown Specialty Yarns Inc. (Wkrs)	Lewistown, PA .....	12/27/95	NAFTA-00742	Polyester yarn.
Major League Inc. (Co.) .....	Jasper, GA .....	12/28/95	NAFTA-00743	Sportswear.
Capin Mercantile Corp. (Wkrs) .....	Nogales, AZ .....	12/18/95	NAFTA-00744	Retail items.
La-Del Mfg. Co., Inc. (Wkrs) .....	Lawrenceburg, TN .....	01/16/96	NAFTA-00745	Ladies sportswear.
McCulloch Corp. (Co.) .....	Lake Havasu City, AZ	01/06/96	NAFTA-00746	Chain saws.
Shaneco Mfg., Inc. (Wkrs) .....	El Paso, TX .....	01/02/96	NAFTA-00747	Children's clothing and accessories.

## APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received at Governor's office	Petition No.	Articles produced
Niagara Falls Business Forms (Wkrs) .	Niagara Falls, NY .....	01/11/96	NAFTA-00748	Business forms.
G.N. Nettest; Laser Precision Division (Wkrs).	Utica, NY .....	01/12/96	NAFTA-00749	Circuit boards.
Equitable Resources Energy Co.; Union Drilling (Co.).	Buckhannon, WV .....	01/10/96	NAFTA-00750	Natural gas.
Milliken & Co.; Barnwell Plant (Wkrs) .	Barnwell, SC .....	01/15/96	NAFTA-00751	Fabric and yarn.
LaSevilla Fashions Inc.; Mangham Plant (Co.).	Mangham, LA .....	01/12/96	NAFTA-00752	Men's pants.
Rhone-Poulenc Inc.; Newark Plant (Wkrs).	Newark, NJ .....	12/28/95	NAFTA-00753	Textile chemicals.
Tultex Corp.; Marion Plant (Wkrs) .....	Marion, NC .....	01/16/96	NAFTA-00754	Knit clothing, i.e., sweatshirts and sweatpants.
Omak Wood Products Inc. (WCIW) ....	Omak, WA .....	01/03/96	NAFTA-00755	Lumber.
Smithkline Beecham; Consumer Healthcare (Co.).	Clifton, NJ .....	12/27/95	NAFTA-00756	Emulsion.
U.S. Enertek (Wkrs) .....	Farmington, NM .....	12/21/95	NAFTA-00757	Production equipment.
American National Can (USA) .....	St. Louis, MO .....	12/28/95	NAFTA-00758	Food and beverage cans.
Stafo Inc.; Rockmart Apparel (Wkrs) .	Rockmart, GA .....	01/03/96	NAFTA-00759	Women's jeans and uniforms.
General Mills Inc.; Marketing (Wkrs) ...	Golden Valley, MN ....	01/08/96	NAFTA-00760	Coupons.
Adrian Mfg. Inc. (Co.) .....	El Paso, TX .....	01/11/96	NAFTA-00761	Children's clothing.
Stitches (Wkrs) .....	El Paso, TX .....	01/17/96	NAFTA-00762	Garments.
Everest and Jennings; Earth City Mfg. (IAMAW).	Earth City, MO .....	01/17/96	NAFTA-00763	Wheelchairs.
Emerson Electric; EMD (Wkrs) .....	Kennett, MO .....	01/17/96	NAFTA-00764	Electric motors.
L.E. Matchett Trucking (TEAMSTERS)	Veradale, WA .....	01/17/96	NAFTA-00765	Drivers.
James River Corp.; Coated Products (AWPPW).	Portland, OR .....	12/29/95	NAFTA-00766	Paper food packaging.
Energy Fuels Nuclear Inc.; White Mesa Uranium Mill (Co.).	Blanding, UT .....	01/17/96	NAFTA-00767	Uranium oxide.
National Supermarkets (UFCW) .....	St. Louis, MO .....	01/18/96	NAFTA-00768	Groceries.

[FR Doc. 96-2483 Filed 2-5-96; 8:45 am]

BILLING CODE 4510-30-M

## [NAFTA-00750]

**Equitable Resources Energy Company, Buckhannon, West Virginia and Various Locations in the State of Pennsylvania; Notice of Termination of Investigation**

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub.L. 103-182) concerning transitional adjustment assistance, an investigation was initiated on January 10, 1996 in response to a worker petition which was filed on January 10, 1996 on behalf of workers at Equitable Resources Energy Company, Buckhannon, West Virginia and various locations in the state of Pennsylvania.

An active certification covering the petitioning group of workers remains in effect (NAFTA-662 and 662A). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 24th day of January, 1996.

Russell T. Kile,

*Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.*

[FR Doc. 96-2477 Filed 2-5-96; 8:45 am]

BILLING CODE 4510-30-M

## [NAFTA-00120]

**Walker Manufacturing Company, Hebron, OH; Amended Certification Regarding Eligibility to Apply for NAFTA Transitional Adjustment Assistance**

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Revised Determination on Reconsideration for NAFTA Transitional Adjustment Assistance on December 15, 1995, applicable to all workers at the subject firm. The notice will soon be published in the Federal Register.

The Department inadvertently set the impact date as May 20, 1993, a date prior to the effective date of the NAFTA program which is December 8, 1993. Therefore, the Department is amending

the certification to properly reflect this matter.

The amended notice applicable to NAFTA-00120 is here by issued as follows:

"All workers of Walker Manufacturing Company, Hebron, Ohio who became totally or partially separated from employment on or after December 8, 1993 are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974."

Signed at Washington, DC, this 22nd day of January 1996.

Russell T. Kile,

*Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.*

[FR Doc. 96-2473 Filed 2-5-96; 8:45 am]

BILLING CODE 4510-30-M

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice 96-011]

**NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of Meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee.

**DATES:** March 6, 1996, 8:30 a.m. to 5 p.m.; and March 7, 1996, 8:30 a.m. to 11:45 a.m.

**ADDRESSES:** National Aeronautics and Space Administration, Room 7H46, 300 E Street, SW, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Ms. Mary-Ellen McGrath, Office of Aeronautics, National Aeronautics and Space Administration, Washington, DC 20546 (202/358-4729).

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Aeronautics overview
- Transition and Turbulence
- Fundamental Aerodynamics
- Aviation Safety Reporting System
- Aeronautics and Astronautics Coordinating Board (AACB)
- International Program Activities
- Program Development Updates
- Subcommittee Reports

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: January 31, 1996.

Timothy M. Sullivan,  
Advisory Committee Management Officer.  
[FR Doc. 96-2364 Filed 2-5-96; 8:45 am]

BILLING CODE 7510-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 40-3453]

### Notice of Issuance of Amendment 26 to Source Material License SUA-917 Amending License Condition (LC) 55 for Atlas Corporation's (Atlas') Uranium Mill Facility at Moab, Utah

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Amendment 26 to Source Material License SUA-917, issued January 22, 1996, amends LC 55 to show that interim cover placement has been completed.

**SUMMARY:** By letter dated October 25, 1995, Atlas Corporation (Atlas) submitted a request to amend condition 55 (LC 55) of Source Material License No. SUA-917. LC 55 lists the completion dates for reclamation milestones established as targets in the

Memorandum of Understanding (MOU) with the Environmental Protection Agency (EPA) (56 FR 55432, October 25, 1991). Atlas requested that the license date for completion of placement of the interim cover in LC 55A.(2), be changed from October 31, 1995 to November 30, 1995. By letter dated November 13, 1995, Atlas notified NRC that it completed placement of the cover on November 10, 1995. Atlas' failure to complete the interim cover on the tailings impoundment by October 30, 1995, was due to unanticipated problems in actually placing cover over areas of the pile that had previously been covered by water. Atlas had been placing the interim cover since October 4, 1995, and at the time of its license amendment request, had completed 60 percent of this final phase and 92 percent of the entire pile. On January 22, 1996, the license was amended to show that placement of the interim cover was complete.

**FOR FURTHER INFORMATION CONTACT:** Myron Fliegel, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, Telephone: 301-415-6629.

Signed at Rockville, MD, this 30th day of January 1996.

For the U.S. Nuclear Regulatory Commission.

Joseph J. Holonich, Chief,  
High-Level Waste and Uranium Recovery Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96-2441 Filed 2-5-96; 8:45 am]

BILLING CODE 7590-01-P

[Docket No. 40-3453]

### Atlas Corp.; Site-Reclamation Milestone; Hearings

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of receipt of a request from Atlas Corporation to revise a site-reclamation milestone in license no. SUA-917 for the Moab, Utah facility and notice of opportunity for a hearing.

**SUMMARY:** Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has received, by letter dated January 9, 1996, a request from Atlas Corporation (Atlas) to amend License Condition (LC) 55 A.(1) of Source Material License SUA-917 for the Moab, Utah facility. The license amendment request proposes to modify LC 55 A.(1) to change the completion date for retrieval of windblown tailings and placement on the pile. The date proposed by Atlas would extend

completion of retrieval and placement of windblown tailings by two years.

**FOR FURTHER INFORMATION CONTACT:** Myron Fliegel, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555. Telephone (301) 415-6629.

**SUPPLEMENTARY INFORMATION:** The portion of LC 55 A.(1) with the proposed change would read as follows:

A. To ensure timely compliance with target completion dates established in the Memorandum of Understanding with the Environmental Protection Agency (56 FR 55432, October 25, 1991), the licensee shall complete reclamation to control radon emissions as expeditiously as practicable, considering technological feasibility, in accordance with the following schedule:

(1) Windblown tailings retrieval and placement on the pile—December 31, 1997.

Atlas' request to amend LC 55 A.(1) of Source Material License SUA-917, which describes the proposed changes to the license condition and the reason for the request, is being made available for public inspection at the NRC's Public Document Room at 2120 L Street, NW. (Lower Level), Washington, DC 20555.

The NRC hereby provides notice of an opportunity for a hearing on the license amendment under the provisions of 10 CFR part 2, subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for hearing must be filed within 30 days of the publication of this notice in the Federal Register. The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

In accordance with 10 CFR 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, Atlas Corporation, Republic Plaza, 370 Seventeenth Street, Suite 3150, Denver, Colorado 80202, Attention: Richard Blubaugh; and

(2) The NRC staff, by delivery to the Executive Director for Operations, One

White Flint North, 11555 Rockville Pike, Rockville, MD 20852 or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

- (1) The interest of the requestor in the proceeding;
- (2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);
- (3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and
- (4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

Dated at Rockville, MD, this 29th day of January 1996.

For the U.S. Nuclear Regulatory Commission.

Joseph J. Holonich,  
Chief, High-Level Waste and Uranium Recovery Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96-2440 Filed 2-5-96; 8:45 am]

BILLING CODE 7590-01-P

#### [Docket No. 50-146]

#### **Saxton Nuclear Experimental Corp.; Withdrawal of Application for Amendment to Amend Facility License**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of the Saxton Nuclear Experimental Corporation (the licensee) to withdraw its June 2, 1995, application for proposed amendment to Amended Facility License No. DPR-4 for the Saxton Nuclear Experimental Facility (SNEF), located in Saxton, Pennsylvania.

The proposed amendment would have revised the organizational structure associated with the SNEF and would revise the description and drawing of the SNEF site to reflect multiple gates in the SNEF fence.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on August 16, 1995 (60 FR 42607). However, by letter dated November 21, 1995, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated June 2, 1995, and the licensee's letter dated November 21, 1995, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Saxton Community Library, 911 Church Street, Saxton, Pennsylvania 16678.

Dated at Rockville, MD, this 30th day of January 1996.

For the Nuclear Regulatory Commission.  
Seymour H. Weiss,

Director, Non-Power Reactors and Decommissioning Project Directorate,  
Division of Reactor Program Management,  
Office of Nuclear Reactor Regulation.

[FR Doc. 96-2439 Filed 2-5-96; 8:45 am]

BILLING CODE 7590-01-P

#### **SECURITIES AND EXCHANGE COMMISSION**

[Rel. No. IC-21723; 812-9768]

#### **The Lipper Fund, Inc., et al.; Notice of Application**

January 30, 1996.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of Application for Exemption under the Investment Company Act of 1940 (the "Act").

**APPLICANTS:** The Lipper Funds (the "Fund"), Lipper Intermediate Investment Fund No. 2, L.P. (the "Debt Partnership"), Prime Lipper Europe Fund, L.P. (the "European Equities Partnership" and, together with the Debt Partnership, the "Partnerships"), Lipper & Company, L.P. ("Lipper"), Lipper & Company, L.L.C. ("LAC"), and Prime Lipper Asset Management ("Prime Lipper").

**RELEVANT ACT SECTIONS:** Order requested under section 17(b) of the Act for an exemption from section 17(a) of the Act.

**SUMMARY OF APPLICATION:** Applicants seek an order that would permit the exchange of assets of the Partnerships for shares of series of the Fund, after which each Partnership will dissolve and distribute the shares *pro rata* to its partners.

**FILING DATE:** The application was filed on August 23, 1995 and amended on November 30, 1995 and January 11, 1996.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be

issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on February 26, 1996, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, 101 Park Avenue, New York, New York 10178.

**FOR FURTHER INFORMATION CONTACT:** Deepak T. Pai, Staff Attorney, at (202) 942-0574, or Alison E. Baur, Branch Chief, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

#### **Applicants' Representations**

1. The Partnerships are Delaware limited partnerships that commenced operations in 1992. Each Partnership is an investment partnership which is not registered under the Act in reliance on section 3(c)(1) of the Act. Interests in the Partnerships have not been registered under the Securities Act of 1933 in reliance on section 4(2) of the Securities Act.

2. The Fund is an open-end management investment company organized as a Maryland corporation. The Fund filed a notification of registration under the Act and a registration statement on Form N-1A on October 10, 1995. The Fund's registration statement was declared effective on December 29, 1995. The Fund will offer series of shares, including Lipper High Income Bond Fund ("LHIF") and Prime Lipper Europe Equity Fund ("PLEF," and, together with LHIF, the "Portfolios"). Each Portfolio has separate classes of shares consistent with applicable state law and rule 18f-3 under the Act.

3. Lipper, a Delaware limited partnership, is the sole general partner of the Debt Partnership. LAC, a Delaware limited liability company, is an affiliate of Lipper and serves as investment adviser for LHIF. Prime Lipper, a New York general partnership,

is the sole general partner of the European Equities Partnership and is PLEF's investment adviser. Lipper, LAC and Prime Lipper are each registered under the Investment Advisers Act of 1940. Each of Lipper and Prime Lipper has maintained an investment in the Partnerships for which it is general partner of not less than \$500,000 or 1% of the net assets of such Partnerships, and is allocated net income, gains, and losses of the Partnerships in accordance with its investment.<sup>1</sup>

4. Applicants propose that each Partnership exchange its assets for Portfolio shares, after which the Partnerships would dissolve and distribute the shares of its partners on a *pro rata* basis ("Portfolio Transfers"). After the Portfolio Transfers, partners of the Partnership will constitute all of the holders of the Portfolio shares. The Portfolio Transfers were proposed to permit the limited partners to pursue, as shareholders of the Portfolios, substantially the same investment objectives and policies in a potentially larger fund with potentially greater economies of scale, with a substantially lower minimum initial investment, greater liquidity, and more frequent access to information concerning the value of their investments.

5. Under the Portfolio Transfers, the Debt Partnership will exchange its Partnership interests for shares of LHIF. The investment objective of the Debt Partnership is to achieve high yields while preserving capital, and LHIF's investment objective is high current income. The Debt Partnership invests primarily in a diversified portfolio of yield-oriented securities with maturities of less than 10 years, and LHIF will do the same. The portfolio manager of the Debt Partnership serves as the portfolio manager of LHIF.

6. The European Equities Partnership will exchange its Partnership interests for shares of PLEF. The investment objective of the European Equities Partnership is to achieve capital appreciation by investing in European stocks with attractive growth potential, and PLEF's investment objective is substantially the same. The portfolio manager of the European Equities Partnership will serve as the portfolio manager of PLEF.

7. Each limited partner of each Partnership may elect to (a) request that the general partner of the Partnership transfer all or a portion of the limited partner's distributive share of assets to

the corresponding Portfolio in exchange for shares of the Portfolio, and/or (b) receive portfolio securities, cash and/or cash equivalents. Following the liquidations, each Partnership will be terminated in accordance with the appropriate limited partnership agreement and Delaware law.

8. Prior to the liquidations, each Partnership will discharge all of its known liabilities and obligations. If necessary, each Partnership also will establish reserves to cover unknown and contingent liabilities and obligations. Any amounts remaining in a reserve that are not used to pay such liabilities will be distributed *pro rata* to the limited partners of the corresponding Partnership. All unsatisfied liabilities and obligations of a Partnership will be the responsibility of its general partner. The Portfolios are not expected to assume any liabilities, expenses or obligations of the Partnerships.

9. The general partners of the Partnerships have considered the desirability of the Portfolio Transfers from the point of view of the Partnerships, and have concluded that (a) the Portfolio Transfers are in the best interests of each Partnership and its limited partners, and (b) the Portfolio Transfers will not dilute the interests of the limited partners when their Partnership interests are converted to Portfolio shares.

10. In a meeting of the Fund's Board of Directors, a majority of the directors, including a majority of the non-interested directors, concluded that (i) the Portfolio Transfers are in the best interests of each Portfolio and the limited partners, (ii) the Portfolio Transfers will not dilute the interests of each Portfolios' shareholders and the Partnerships' limited partners, and (iii) the terms of the Portfolio Transfers have been designed to meet the criteria contained in section 17(b) of the Act, that the Portfolio Transfers are reasonable and fair, do not involve overreaching, and are consistent with the policies of each Portfolio.

11. The Portfolios will acquire the Partnerships' portfolio securities at their independent "current market price," as defined in rule 17a-7 under the Act.<sup>2</sup> No Portfolio will acquire securities that, in the opinion of its adviser, would result in a violation of the Portfolio's investment objectives, policies, or restrictions.

12. Lipper, LAC and Prime Lipper have agreed to pay all expenses of the Portfolio Transfers, other than the initial organizational expenses of the Fund. There are expected to be no additional expenses incurred in connection with the transaction, and no brokerage commission or other remuneration will be paid in connection with the transfers.

#### Applicants' Legal Conclusions

1. Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such person, from selling to or purchasing from such investment company any security or other property. Section 2(a)(3) of the Act provides, in pertinent part, that an affiliated person includes any person directly or indirectly controlling, controlled by, or under common control with, such other person. Applicants contend that the Partnerships may be affiliated persons of the Fund by, among other reasons, being under the common control of Lipper or the advisers. LAC and Prime Lipper may be affiliated persons of the Fund because, at the time of the Portfolio Transfers, they are expected to be the sole shareholders of the Fund. Thus, applicants submit, the proposed exchange may be prohibited by section 17(a).

2. Section 17(b) authorizes the SEC to exempt a proposed transaction from section 17(a) if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, the transaction is consistent with the policies of the registered investment company, and the transaction is consistent with the general purposes of the Act.

3. Applicants assert that the Portfolio Transfers satisfy the criteria of section 17(b). They contend that, given that each Portfolio and its corresponding Partnership has similar investment objectives and policies, the Portfolios will attempt to assemble a portfolio of securities substantially similar to that held by the Partnerships. Applicants assert that, by acquiring the Partnerships' portfolio securities at their independent "current market price," the price will be as advantageous to the Fund as open-market purchases. In addition, by acquiring suitable securities from the Partnerships, the Portfolios will avoid incurring brokerage and other transaction costs.

4. Applicants contend that the Portfolio Transfers can be viewed as a change in the form in which the assets are held, rather than as a disposition giving rise to section 17(a) concerns.

<sup>1</sup> Lipper and Prime Lipper received their respective general partnership interests in the Debt Partnership and the European Equities Partnership exclusively in exchange for cash and/or securities.

<sup>2</sup> Rule 17a-7 exempts purchases or sales of securities from section 17(a) for which market quotations are readily available between investment companies affiliated solely by reason of having a common adviser, common directors, and or common officers.

Applicants submit that the Portfolio Transfers are consistent with the general purposes of the Act because they do not give rise to the abuses that section 17(a) was designed to prevent, and, in fact, are consistent with the purposes underlying rule 17a-7.

For the Commission, by the Division of Investment Management under delegated authority.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96-2404 Filed 2-5-96; 8:45 am]

BILLING CODE 8010-01-M

[Investment Company Act Release No. 21726; 812-9888]

### **Schwab Capital Trust, et al.; Notice of Application**

January 31, 1996.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of Application for an Order under the Investment Company Act of 1940 (the "Act").

**APPLICANTS:** Schwab Capital Trust (the "Trust"); Schwab Investments; The Charles Schwab Family of Funds; Charles Schwab Investment Management, Inc. ("CSIM"); and Charles Schwab & Co., Inc. ("Schwab").

**RELEVANT ACT SECTIONS:** Order requested under section 6(c) of the Act from section 12(d)(1) of the Act, under sections 6(c) and 17(b) of the Act from section 17(a) of the Act, and pursuant to section 17(d) of the Act and rule 17d-1 thereunder.

**SUMMARY OF APPLICATION:** Applicants request an order that would permit the Trust to operate as a "fund of funds" and to acquire up to 100% of the voting shares of any acquired fund.

**FILING DATE:** The application was filed on December 14, 1995. Applicants have agreed to file an amendment during the notice period, the substance of which is included in this notice.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on February 26, 1996, and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested.

Persons may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, 101 Montgomery Street, San Francisco, California 94104.

**FOR FURTHER INFORMATION CONTACT:** Marianne H. Khawly, Staff Attorney, at (202) 942-0562, or Robert A. Robertson, Branch Chief, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

#### **Applicants' Representations**

1. The Trust is registered as an open-end management investment company under the Act. Currently, the Trust consists of five separate investment portfolios: Asset Director®-High Growth Fund, Asset Director®-Balanced Growth Fund, and Asset Director®-Conservative Growth Fund (collectively, the "Asset Director® Funds"); Schwab International Index Fund™; and Schwab Small-Cap Index Fund™.

2. Each Asset Director® Fund seeks to provide diversification among major asset categories (e.g., stocks, bonds, and cash equivalents) and stock sub-categories (e.g., large company stocks, small company stocks, and international stocks). All three Asset Director® Funds are designed to provide exposure to the growth potential of the stock market in varying degrees. A target mix and a defined range have been established for each asset category in each of the Asset Director® Funds. A target mix, but not a defined range, has been established for each stock sub-category.

3. CSIM is registered as an investment adviser under the Investment Advisers Act of 1940. CSIM is responsible for the overall management of the Asset Director® Funds' business affairs, subject to the authority of the Trust's board of trustees and officers. CSIM makes all portfolio securities selections, places all orders for the Asset Director® Funds' securities transactions, and has primary responsibility for the management of the Asset Director® Funds' investment portfolios. CSIM is a wholly-owned subsidiary of the Charles Schwab Corporation ("Schwab Corporation") and is the investment adviser and administrator for the mutual funds in the SchwabFunds® family of mutual funds.

4. Schwab is registered as a broker-dealer and transfer agent under the

Securities Exchange Act of 1934. Schwab also is a member of the National Association of Securities Dealers, Inc. ("NASD"). Schwab serves as the Asset Director® Funds' principal underwriter and transfer and shareholder servicing agent. Schwab is a wholly-owned subsidiary of Schwab Corporation.

5. Applicants propose a fund of funds arrangement whereby each Asset Director® Fund will invest in shares of portfolios of the following investment companies (the "Underlying Portfolios"): Schwab Investments; The Charles Schwab Family of Funds; and the Trust. In the Trust's case, the Underlying Portfolios currently are proposed to consist of Schwab International Index Fund™ and Schwab Small-Cap Index Fund™. Investments also may be made in money market instruments for temporary defensive purposes and to maintain liquidity. In addition, any assets that are not invested in Underlying Portfolios shares will be invested directly in stocks, bonds, and other types of instruments, including money-market instruments. Applicants request that any relief granted pursuant to the application also apply to any open-end management investment company that currently or in the future is part of the same "group of investment companies," as defined in rule 11a-3 under the Act, as the Trust (collectively, the "Schwab Funds").<sup>1</sup>

#### **Applicants' Legal Analysis**

1. Section 12(d)(91)(A) of the Act provides that no registered investment company may acquire securities of another investment company if such securities represent more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or if such securities, together with the securities of any other acquired investment companies, represent more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired

<sup>1</sup> Rule 11a-3 under the Act defines "group of investment companies" as two or more companies that: (a) hold themselves out to investors as related companies for purposes of investment and investor services; and (b) that have a common investment adviser or principal underwriter. Although certain existing registered investment companies, or portfolios thereof, that are Schwab Funds do not presently intend to rely on the requested order, any such registered investment company, or portfolios thereof, would be covered by the order if they later proposed to enter into a fund of funds arrangement in accordance with the terms described in the application.

company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies.

2. Section 6(c) of the Act provides that the SEC may exempt persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an order permitting the Asset Director® Funds to acquire shares of the Underlying Portfolios beyond the section 12(d)(1) limits.

3. The restrictions in section 12(d)(1) were intended to prevent certain abuses perceived to be associated with the pyramiding of investment companies, including: (a) unnecessary duplication of costs, e.g. sales loads, advisory fees, and administrative costs; (b) a lack of appropriate diversification; (c) undue influence by the fund holding company over its underlying funds; (d) the threat of large scale redemptions of the securities of the underlying investment companies; and (e) unnecessary complexity. For the following reasons, applicants believe that the proposed arrangement will not create these dangers and, therefore, that the requested relief is appropriate.

4. The proposed arrangement will not raise the fee layering concerns contemplated by section 12(d)(1). The proposed arrangement will not involve the layering of advisory fees since, before approving any advisory contract under section 15(a) of the Act, the board of trustees of the Trust, including a majority of the trustees who are not "interested persons," as defined in section 2(a)(19) of the Act, will find that the advisory fees charged under the contract are based on services provided that are in addition to, rather than duplicative of, services provided under any Underlying Portfolio advisory contract. In addition, the proposed structure will not involve layering of sales charges. Any sales charges or service fees relating to the shares of an Asset Director® Fund will not exceed the limits set forth in Article III, section 26 of the Rules of Fair Practice of the NASD when aggregated with any sales charges or service fees that the Asset Director® Fund pays relating to Underlying Portfolio shares. The aggregate sales charges at both levels, therefore, will not exceed the limit that otherwise lawfully could be charged at any single level. Furthermore, the proposed arrangement will not involve the unnecessary duplication of administrative and other fees.

Applicants expect that these expenses will be reduced at both levels under the proposed arrangement.

5. In addition, the proposed arrangement will provide true diversification benefits. Each Asset Director® Fund will pursue a different investment strategy by investing in Underlying Portfolios that also pursue distinct investment strategies. The proposed arrangement will be structured to minimize undue influence concerns. The Asset Director® Funds only will acquire shares of Underlying Portfolios that are Schwab Funds. Because CSIM is investment adviser to the Underlying Portfolios as well as to the Trust, a redemption from one Underlying Portfolio will simply lead to the investment of the proceeds in another Underlying Portfolio.

6. The proposed arrangement, furthermore, will be structured to minimize large scale redemption concerns. The Asset Director® Funds will be designed for intermediate and long-term investors. This will reduce the possibility of the Asset Director® Funds from being used as short-term investment vehicles and further protect the Asset Director® Funds and the Underlying Portfolios from unexpected large redemptions. The proposed arrangement will not be unnecessarily complex. No Underlying Portfolio will acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

7. Section 17(a) of the Act makes it unlawful for an affiliated person of a registered investment company to sell securities to, or purchase securities from, the company. The Trust and the Underlying Portfolios may be considered affiliated persons because they share common officers and/or directors/trustees. An Underlying Portfolio's issuance of its shares to the Trust may be considered a sale prohibited by section 17(a).

8. Section 17(b) of the Act provides that the SEC shall exempt a proposed transaction from section 17(a) if evidence establishes that: (a) the terms of the proposed transaction are reasonable and fair and do not involve overreaching; (b) the proposed transaction is consistent with the policies of the registered investment company involved; and (c) the proposed transaction is consistent with the general provisions of the Act. Applicants request an exemption under sections 6(c) and 17(b) to allow the above transactions.

9. Applicants believe that the proposed transactions meet the standards of sections 6(c) and 17(b). The

consideration paid for the sale and redemption of shares of Underlying Portfolios will be based on the net asset value of the Underlying Portfolios, subject to applicable sales charges. The Trust's purchase and sale of shares of the Underlying Portfolios is consistent with the Trust's policy, as set forth in the Trust's registration statements. Applicants also believe that the proposed transactions are consistent with the general purposes of the Act.

10. Section 17(d) of the Act and rule 17d-1 thereunder prohibit an affiliated person of a registered investment company, acting as principal, from effecting any transaction in which such investment company is a joint, or joint and several, participant with such person unless the SEC has issued an order approving the arrangement. Applicants understand that the proposed arrangement may provide benefits for both the Asset Director® Funds and the Underlying Portfolios, including increased diversification, more efficient portfolios management, a larger asset base, and reduced expenses. Therefore, for the reasons discussed above, applicants believe that the proposed arrangement is consistent with the provisions, policies, and purposes of the Act. Furthermore, the Asset Director® Funds and the Underlying Portfolios will not participate in the proposed arrangement on a basis that is different from or less advantageous than the participants that are not investment companies.

#### Applicants' Conditions

Applicants agree that the order granting the requested relief shall be subject to the following conditions:

1. Each Asset Director® Fund and each Underlying Portfolio will be part of the same "group of investment companies," as defined in rule 11a-3 under the Act.

2. No Underlying Portfolio will acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

3. A majority of the trustees of the Trust will not be "interested persons," as defined in section 2(a)(19) of the Act.

4. Any sales charges or service fees charged to the shares of an Asset Director® Fund, when aggregated with any sales charges or service fees paid by the Asset Director® Fund relating to the securities of the respective Underlying Portfolio, shall not exceed the limits set forth in Article III, section 26, of the NASD's Rules of Fair Practice.

5. Before approving any advisory contract under section 15 of the Act, the board of trustees of the Trust, including

a majority of the trustees or directors who are not "interested persons," as defined in section 2(a)(19), will find that advisory fees charged under the contract are based on services provided that are in addition to, rather than duplicative of, services provided under any Underlying Portfolio advisory contract. The finding, and the basis upon which the finding was made, will be recorded fully in the minute books of the Asset Director® Fund.

6. Applicants agree to provide the following information, in electronic format, to the Chief Financial Analyst of the SEC's Division of Investment Management: monthly average total assets of each Asset Director® Fund and each underlying Portfolio; monthly purchases and redemptions (other than by exchange) for each Asset Director® Fund and each Underlying Portfolio; monthly exchanges into and out of each Asset Director® Fund and each Underlying Portfolio; month-end allocations of each Asset Director® Fund's assets among the Underlying Portfolios; annual expense ratios for each Asset Director® Fund and each Underlying Portfolio; and a description of any vote taken by the shareholders of any Underlying Portfolio, including a statement of the percentage of votes cast for and against the proposal by each Asset Director® Fund and by the other shareholders of the Underlying Portfolio. Such information will be provided as soon as reasonably practicable following each fiscal year-end of the Asset Director Fund® (unless the Chief Financial Analyst shall notify applicants in writing that such information need no longer be submitted).

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,  
*Deputy Secretary.*

[FR Doc. 96-2462 Filed 2-5-96; 8:45 am]

BILLING CODE 8010-01-M

## Release Nos. 33-7262; 34-36792

[File No. 265-20]

### Advisory Committee on the Capital Formation and Regulatory Processes; Meeting

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of Meeting.

**SUMMARY:** This is to give notice that the Securities and Exchange Commission Advisory Committee on the Capital Formation and Regulatory Processes

will meet on February 22, 1996 in room 1C30 at the Commission's main offices, 450 Fifth Street, NW., Washington, DC, beginning at 10:00 a.m. The meeting will be open to the public, and the public is invited to submit written comments to the Committee.

**ADDRESSES:** Written comments should be submitted in triplicate and should refer to File No. 265-20. Comments should be submitted to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

**FOR FURTHER INFORMATION CONTACT:** David A. Sirignano, Committee Staff Director, at 202-942-2870; Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

**SUPPLEMENTARY INFORMATION:** In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 10a, notice is hereby given that the Committee will meet on February 22, 1996 in room 1C30 at the Commission's main offices, 450 Fifth Street, NW., Washington, DC, beginning at 10:00 a.m. The meeting will be open to the public.

The Committee was formed in February 1995, and its responsibilities include advising the Commission regarding the informational needs of investors and the regulatory costs imposed on the U.S. securities markets. The purpose of this meeting will be to discuss the progress of the Committee's work and to discuss, and possibly vote on, the Committee's report.

Dated: January 31, 1996.

Jonathan G. Katz,  
*Secretary.*

[FR Doc. 96-2465 Filed 2-5-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36788; International Series Release No. 924 File No. SR-GSCC-95-05]

### Self-Regulatory Organizations; Government Securities Clearing Corporation; Order Approving a Proposed Rule Change Permitting Entities Established or Organized in a Foreign Country To Become Members of GSCC's Netting System

January 30, 1996.

On October 6, 1995, the Government Securities Clearing Corporation ("GSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-GSCC-95-05) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").<sup>1</sup> On October 30, 1995, GSCC filed an amendment to the

proposed rule change.<sup>2</sup> Notice of the proposal was published in the Federal Register on December 11, 1995.<sup>3</sup> No comment letters were received. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

#### I. Description

Currently, under GSCC's rules an entity that is organized or established under the laws of a country other than the United States ("foreign entity") is eligible to apply to become a member of GSCC's comparison system if it has demonstrated to GSCC that its business and capabilities are such that it could reasonably expect material benefit from direct access to GSCC's services. Prior to this rule change, a foreign entity was not eligible for any of GSCC's eleven enumerated categories of netting system membership.<sup>4</sup> The proposed rule change permits foreign entities that are regulated in a manner comparable to domestic entities eligible for GSCC membership to become members of GSCC's netting system. The rule change also establishes application and continuing membership requirements for foreign entities for both the comparison and netting systems.

#### 1. Legal Considerations

To address the particular jurisdictional concerns raised by the admission of foreign entities to netting system membership, GSCC will require foreign netting system applicants to enter into a special netting member agreement ("Agreement") and to submit an opinion of foreign counsel ("Opinion"). The Agreement requires the foreign netting system applicant to adhere to GSCC's rules and provides that the Agreement shall be governed by and construed in accordance with the laws of the State of New York. The Opinion must provide that the execution by the foreign entity of the

<sup>2</sup> Letter from Jeffrey F. Ingber, General Counsel and Secretary, GSCC, to Jerry W. Carpenter, Assistant Director, Division of Market Regulation, Commission (October 26, 1995).

<sup>3</sup> Securities Exchange Act Release No. 36544 (December 1, 1995), 60 FR 63555.

<sup>4</sup> Foreign entities have been among the more significant participants in the government securities marketplace and trade actively with many current netting members. GSCC has maintained a list of "grandfathered" entities which are non-netting system members that historically have done business with GSCC's interdealer netting members. Business done by the interdealer broker netting members with grandfathered entities is treated by GSCC as business done with an actual netting member. Six of the seven firms on GSCC's list of grandfathered entities (Daiwa Europe Ltd.; Nikko Europe PLC; The Nikko Securities Co., Ltd. Tokyo; Nomura International PLC, London; Nomura International Inc., Tokyo; and Nomura Securities Co., Ltd. (Tokyo) are foreign entities.

<sup>1</sup> 15 U.S.C. § 78s(b)(1) (1988).



Agreement, the foreign entity's performance under the Agreement, and the exercise by GSCC of its rights and remedies under the Agreement will not conflict with or be impeded by the laws or regulations of the foreign entity's home country and will be respected by the foreign entity's primary foreign regulator. In addition, the Opinion must state that the Agreement's provision for governance by and construction in accordance with the laws of the State of New York will be recognized and given effect by the courts of the foreign entity's home country.

Under the Agreement, the foreign entity: (i) Irrevocably waives all immunity from attachment of its assets in the U.S., (ii) irrevocably submits to the jurisdiction of a court in the U.S. with respect to any action or proceeding brought against it relating in any way to the Agreement, (iii) irrevocably waives any objection to the laying of venue in a court in the U.S., (iv) expressly states that any judgment obtained against it by GSCC may be enforced in the courts of any jurisdiction where it or any of its property may be found and irrevocably submits to the jurisdiction of each such court, and (v) agrees that payment of any judgment obtained by GSCC shall be in U.S. dollars.

The Opinion must state that: (i) The waiver by the foreign entity of all immunity from attachment of its assets in the U.S. is valid and will be recognized and given effect by the courts of the foreign entity's home country, (ii) the foreign entity has the power to irrevocably submit to the jurisdiction of a court in the U.S. and to waive all objections to venue, (iii) any judgment obtained against the foreign entity by GSCC may be enforced in the courts of any jurisdiction where the foreign entity or any of its property may be found and its submission to the jurisdiction of each such court is valid and will be recognized and given effect by the courts of the foreign entity's home country, (iv) GSCC can institute in the foreign entity's home country an action for breach of the Agreement without first having to obtain a judgment against the entity in the U.S., and (v) GSCC can institute in the U.S. an action for breach of the Agreement without first having to obtain a judgment against the entity in the entity's home country.

Under the Agreement, the foreign member must provide GSCC with information on its financial condition and/or trading activity that GSCC deems pertinent and agrees that any such information may be provided by GSCC to the Commission. The Opinion must state that the foreign entity has the

power to provide GSCC with information on its financial condition and/or trading activity that GSCC deems pertinent and that neither the foreign entity's compliance with such a request nor the sharing by GSCC of such information with the Commission will conflict with or be impeded by the laws or regulations of the foreign entity's home country and will be respected by the foreign entity's primary foreign regulator.

In addition to the Agreement and the Opinion, any foreign netting system applicant must submit a designation specifying an appropriate person or persons located in the State of New York as its agent to receive service of process or other legal summons.

While there is no special agreement applicable to a foreign entity that applies for membership in GSCC's comparison system, such entity must provide to GSCC an opinion of foreign counsel. That opinion must state that the execution by the foreign entity of the comparison-only member agreement ("Comparison Agreement") with GSCC, its performance under that agreement, and the exercise by GSCC of its rights and remedies under that agreement will not conflict with or be impeded by the laws or regulations of the foreign entity's home country and will be respected by the foreign entity's primary foreign regulator. The opinion also must state that the language in the Comparison Agreement providing that the agreement shall be governed by and construed in accordance with the laws of the State of New York will be recognized and given effect by the courts of the foreign entity's home country.

## **2. Minimum Financial Standards and Clearing Fund Requirements**

The proposed rule change also provides that the minimum financial standards and clearing fund requirements for a foreign netting system applicant will be the requirements applicable to the domestic netting system membership category that GSCC in its sole discretion determines is most comparable in type to the foreign applicant. In making this determination, GSCC will take into account, among other things, whether the entity's trading activity is done primarily for itself or for others. If a foreign netting system member falls out of compliance with its minimum financial requirements, the consequences of such noncompliance will be based on the subsection of GSCC Rule 3, Section 5 that is applicable to the netting system membership category

upon which a foreign entity's minimum financial standards are based.

## **3. Home Country Standards**

In order to be eligible for netting system membership, a foreign entity must be in compliance with the financial reporting and responsibility standards of its home country. A foreign entity applying for netting system membership also must be regulated in its home country in ways and pursuant to provisions comparable to those imposed on domestic GSCC netting members.

## **4. Information Sharing/Regulatory and Financial Reporting**

To insure appropriate information sharing, the home country regulator of a foreign entity applying for netting system membership must have entered into a memorandum of understanding with the Commission regarding the sharing or exchange of information. In its application for membership, either comparison-only or netting system, a foreign entity must agree to provide GSCC with all material regulatory filings made with its primary home country regulator over the prior year, audited financial statements for the prior three years, and any other financial information GSCC deems to be necessary in order to protect GSCC and its members. After acceptance to comparison-only or netting system membership, a foreign member must provide GSCC with all material regulatory filings made with its primary home country regulator promptly following its filing with such regulator, all audited financial statements, and any other financial information GSCC deems to be necessary in order to protect GSCC and its members.

GSCC ordinarily will accept for financial monitoring purposes audited financial statements prepared in accordance with the home country's generally accepted accounting principles. If GSCC believes that those statements are not satisfactory, it will assess whether the foreign entity can provide information equivalent to that information provided by financial statements prepared in accordance with U.S. generally accepted accounting principles. All required financial and other reports must be submitted to GSCC in English. All required financial reports must be submitted to GSCC in dollar equivalents indicating the conversion rate and date used.

As noted above, pursuant to the Agreement a foreign netting system member must agree to provide GSCC with information on its financial condition and/or trading activity

deemed pertinent by GSCC and must acknowledge that GSCC may share this information with the Commission. In addition, GSCC will expect a foreign entity to prepare and provide to GSCC information to the form of unaudited financials sufficient for GSCC to monitor and assess the entity's financial condition on no less than a quarterly basis.

### 5. Physical Presence

With respect to a foreign netting member's physical presence in the U.S., GSCC will require every foreign entity to maintain an office in the U.S. either directly or through a suitable agent that (i) has available individuals fluent in English who are knowledgeable about the entity's business and can assist GSCC representatives as necessary and (ii) ensures that the foreign member can meet its data submission and settlement obligations to GSCC.

## II. Discussion

Section 17A(b)(3)(F)<sup>5</sup> of the Act requires that the rules of a clearing agency be designed to facilitate the prompt and accurate clearance and settlement of securities transactions. The Commission believes GSCC's proposed rule change is consistent with the requirements of section 17A(b)(3)(F) because by permitting foreign entities, which are significant participants in the government securities marketplace and which actively trade with many current netting members, to become members of GSCC's netting system, the proposal will enable GSCC to extend the benefits of its netting and risk management processes to a broader segment of government securities market participants and will enable GSCC to extend those benefits to current members in their trades with foreign entity counterparties. Thus, a greater percentage of transactions in government securities should be settled through the national clearance and settlement system, which should help facilitate prompt and accurate clearance and settlement of government securities transactions.

Section 17A(b)(3)(f) also requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. The Commission believes that GSCC's rules adequately take into account the unique risks raised by the admission of foreign entities. Specifically, by requiring a foreign netting member to execute the Agreement and submit an Opinion,

GSCC's proposal should help ensure that a foreign netting member can adhere to GSCC's rules and that jurisdictional issues will not impede the exercise of GSCC's rights and remedies, including, among other things, GSCC's ability to serve process on a foreign netting member, against a foreign netting member.

The proposed rule change also takes into account GSCC's need to obtain information about the foreign member in order to adequately assess risk and to ensure compliance with GSCC's rules. The Agreement and Opinion facilitate GSCC's ability to obtain from foreign members financial and/or trading activity information which GSCC deems pertinent. Foreign applicants to and members of either the comparison-only or netting systems must provide GSCC with all material regulatory filings submitted to their home country regulator and with audited financial statements. The requirement that a foreign netting applicant's home country regulator must have entered into a memorandum of understanding with the Commission regarding exchange of information should help to ensure that the Commission has the ability to obtain appropriate information on foreign netting members. To further reduce potential risk arising from the absence of domestic regulatory oversight of foreign applicants, the proposed rule change requires that a foreign entity must be in compliance with the financial and reporting standards of its home country and that it must be regulated in its home country in a manner that is comparable to the regulation of domestic netting members.

To further guard against the potential risks posed by foreign netting members, the proposed rule change requires that every foreign netting member maintain an office in the U.S. that will ensure that the foreign member can meet its data submission and settlement obligations to GSCC. Such an office must have employees who are fluent in English and knowledgeable about the entity's business. Thus, GSCC will have an appropriate contact person readily available in event of an emergency situation.

The Commission believes that the foregoing conditions should help GSCC ensure that foreign netting members are subject to appropriate legal, financial, and information sharing requirements, that they are regulated in a manner comparable to other GSCC members, and that they maintain a physical presence in the United States. As a result, the proposed rule change should help GSCC to assure the safeguarding of securities and funds which are in its

custody or control or for which it is responsible with the expansion of its services to foreign netting members.

## III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR-GSCC-95-05) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>6</sup>

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 96-2406 Filed 2-5-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36786; File No. SR-CBOE-96-04]

## Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated, Relating to the Listing and Trading of Options on the CBOE Internet Index

January 29, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 19, 1996, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") proposes to list and trade options on the CBOE Internet Index ("Internet Index" or "Index"). The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

<sup>6</sup> 17 CFR 200.30-3(a)(12) (1994).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>5</sup> 15 U.S.C. § 78q-1(b)(3)(F) (1988).

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

### (A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The Exchange proposes to list and trade cash-settled, European-style stock index options on the CBOE Internet Index, based on shares of 15 widely held companies involved in providing Internet access services, and in the design and manufacture of software and hardware that facilitates Internet access.<sup>3</sup> The Exchange believes that options on the Index will provide investors with a low-cost means to participate in the performance of this sector or to hedge against the risk of investing in this sector.

All of the stocks comprising the Index are U.S. securities and currently trade on the New York Stock Exchange ("NYSE") or through the facilities of the National Association of Securities Dealers Automated Quotation System and are reported national market system securities ("NASDAQ/NMS"). Additionally, all of the stocks are "reported securities" as defined in Rule 11Aa3-1 under the Exchange Act. The Exchange is filing this proposal pursuant to the generic criteria for listing options on narrow-based indexes as set forth in Exchange Rule 24.2 and the Commission's order approving that Rule (the "Generic Index Approval Order")<sup>4</sup> as outlined below. In accordance with Rule 24.2, CBOE proposes to list and trade options on the Internet Index beginning 30 days from the filing date of this proposed rule change.

### Eligibility Standards for Index Components

Pursuant to Rule 24.2, all of the component securities of the Index are listed on the NYSE or are NASDAQ/NMS listed, and each of the stocks in the Index has a minimum market capitalization of at least 75 million. Specifically, the stocks comprising the Index range in capitalization from \$325 million to \$20.25 billion as of December 29, 1995. The total capitalization as of that date was \$66.27 billion. The mean capitalization was \$4.42 billion. The median capitalization was \$1.90 billion.

Additionally, the average monthly trading volume for each of the component stocks in the Index have had monthly trading volume well in excess of 1 million shares over the six month period through December of 1995. The average monthly volumes for these stocks over the six month period ranged from a low of 6.93 million shares to a high of 141.32 million shares.

Netscape Communications Corp., however, does not meet the monthly trading volume criteria, because it was the subject of an initial public offering on August 9, 1995 and accordingly, has not yet accumulated at least six months of trading volume data. Since that time, Netscape trading volume has averaged 16.47 million shares per month. Currently, two of the fifteen stocks in the Index are not eligible for options trading because they do not have 7,000,000 outstanding shares owned by persons other than those required to report their stock holding under Section 16(a) of the Act. The Exchange represents that Netscape Communications Corp. will be options eligible on or before February 6, 1996, at which time the Index will have only one component (Spyglass Inc.), equally 6.67% of the Index, that is not eligible for options trading. Thus, at the time the Index is listed for options trading, 93.33% of the weight of the Index and 93.33% of the number of components will be eligible for options trading.

### Index Design and Calculation

The Index is equal-dollar weighted, with each stock comprising 6.67% of the total Index weight. The top 5 stocks in the Index account for 33.33% of the Index. The Index reflects changes in the prices of the component stocks relative to the Index base data, August 9, 1995 with the Index was set to 100.00. Specifically, each of the component securities is initially represented in equal dollar amounts, with the level of the Index equal to the combined market

value of the assigned number of shares for each of the Index components divided by the current Index divisor. The Index divisor is adjusted to maintain continuity in the Index at the time of certain types of changes. Changes which may result in divisor changes include, but are not limited to, quarterly re-balancing, special dividends, spin-offs, certain rights issuances, and mergers and acquisitions.

The Index will be calculated on a real-time basis using last-sale prices by CBOE or its designee, and will be disseminated every 15 seconds by CBOE. If a component stock is not currently being traded, the most recent price at which the stock traded will be used in the Index calculation. The value of the Index at the close of trading on December 29, 1995 was 144.57.

### Maintenance of the Index

The Index will be maintained by CBOE. The Index is re-balanced after the class of business on Expiration Fridays on the March Quarterly Cycle. In addition, the Index is reviewed on approximately a monthly basis by the CBOE staff. CBOE may change the composition of the Index at any time to reflect changes affecting the components of the Index or the Internet industry generally. If it becomes necessary to remove a stock from the Index (for example, because of a takeover or merger), CBOE will only add a stock having the maintenance criteria specified in CBOE's Rules and the Generic Index Approval Order. CBOE will take into account the capitalization, liquidity, volatility and name recognition of any proposed replacement stock.

Agstent prior Commission approval, CBOE will not increase to more than 20, or decrease to fewer than 10, the number of stocks in the Index. In addition, the CBOE will not make any change in the composition of the Index would cause fewer than 90% of the stocks by weight, or fewer than 80% of the total number of stocks in the index, to qualify as stock eligibility for equity options trading under CBOE Rule 5.3.

If the Index fails at any time to satisfy the maintenance criteria, the Exchange will immediately notify the Commission of that fact and will not open trading any additional series of options on the Index unless such failure is determined by the Exchange not to be significant and the Commission concurs that determination, or unless the continued listing of options on the Internet Index has been approved by the Commission under Section 19(b)(2) of the Act.

<sup>3</sup> The component securities of the Index are America Online Inc.; Cisco Systems Inc.; H&R Block (Compuserve); McAfee Associates Inc.; Microcom Inc.; Netcom On-Line Communication Svcs.; NetManage Inc.; Netscape Communications Corp.; Oracle Corporation; Psinet Inc.; Quarterdeck Office Systems Inc.; Silicon Graphics Inc.; Spyglass Inc.; Sun Microsystems Inc.; UUnet Technologies Inc.

<sup>4</sup> See Securities Exchange Act Release No. 34157 (June 3, 1994), 59 FR 30062 (June 10, 1994) ("Generic Index Approval Order").

### *Expiration and Settlement*

Internet Index options will have European-style exercise (i.e., exercises are permitted at expiration only), and will be "A.M.-settled index options" within the meaning of the Rules in Chapter XXIV, including Rule 24.9, which is being amended to refer specifically to Internet Index options. In the case of securities traded through the NASDAQ system, the first reported regular way sale price will be used. The proposed options will expire on the Saturday following the third Friday of the expiration month. Thus, the last day for trading in a expiring series will be the second business day (ordinarily a Thursday) preceding the expiration date. If any component stock does not open for trading on its primary market on the last trading day before expiration, then the prior day's last sale price will be used in the calculation.

The exchange proposes to base trading in options on the Internet Index on the full value of that Index. The Exchange may list full-value long-term index option series ("LEAPS®"), as provided in Rule 24.9. The Exchange also may provide for the listing of reduced-value LEAPS, for which the underlying value would be computed at one-tenth of the value of the Index. The current and closing index value of any such reduced-value LEAP will, after such initial computation, be rounded to the nearest one-hundredth.

### *Exchange Rules Applicable to Stock Index Options*

Except as modified herein, the Rules in Chapter XXIV will be applicable to Internet Index options. These Rules cover issues such as surveillance, exercise prices, and position limits. Index option contracts based on the Internet Index will be subject to the position limit requirements of Rule 24.4A. Currently the position limit is 12,000 contracts. Ten reduced-value options will equal one full-value contract for such purposes. Surveillance procedures currently used to monitor trading in each of the Exchange's other index options will also be used to monitor trading in options on the Internet Index.

CBOE represents that it has the necessary systems capacity to support new series that would result from the introduction of Internet Index options. CBOE has also been informed that OPRA has the capacity to support such new series.<sup>5</sup>

<sup>5</sup> See Memorandum from Joe Corrigan, Executive Director, OPRA, to Tom Knorrning, CBOE, dated January 18, 1996.

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the "Act") in general and furthers the objectives of Section 6(b)(5) in particular in that it will permit trading in options based on the Internet Index pursuant to rules designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, and thereby will provide investors with the ability to invest in options based on an additional index.

### *(B) Self-Regulatory Organization's Statement on Burden on Competition*

CBOE does not believe that the proposed rule change will impose any burden on competition.

### *(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing rule change complies with the standards set forth in the Generic Index Approval Order, it has become effective pursuant to Section 19(b)(3)(A) of the Act. Pursuant to the Generic Index Approval Order,<sup>6</sup> the Exchange may not list CBOE Internet Index options for trading prior to 30 days after January 19, 1996, the date the proposed rule change was filed with the Commission. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the

Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR-CBOE-96-04 and should be submitted by February 27, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>7</sup>

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96-2405 Filed 2-5-96; 8:45 am]

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[Release No. 34-36795; File No. SR-NASD-95-60]

### **Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Granting Accelerated Temporary Approval of Proposed Rule Change To Extend Certain SOES Rules Through July 31, 1996**

January 31, 1996.

#### **I. Introduction**

On December 19, 1995, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder.<sup>2</sup> The NASD proposes to extend through July 31, 1996 certain changes to its Small Order Execution System ("SOES") that were originally implemented in January 1994 for a one-year pilot period ("January 1994 Amended SOES Rules").<sup>3</sup> These rules

<sup>1</sup> 17 CFR 200.30-3(a)(12).

<sup>2</sup> 15 U.S.C. § 78s(b)(1).

<sup>3</sup> 17 CFR 240.19b-4.

<sup>3</sup> Securities Exchange Act Release No. 33377 (Dec. 23, 1993), 58 FR 69419 (Dec. 30, 1993) (approving the Interim SOES Rules on one-year pilot basis effective January 7, 1994). See also Securities Exchange Act Release No. 33424 (Jan. 5, 1994) (order denying stay and granting interim stay through January 25, 1994) and Securities Exchange Act Release No. 33635 (Feb. 17, 1994) (order denying renewed application for stay).

The changes contained in the January 1994 Amended SOES Rules were as follows:

(1) A reduction in the maximum size order eligible for SOES execution from 1,000 shares to 500 shares;

<sup>6</sup> See Generic Index Approval Order, *supra* note 4.

subsequently were modified in January 1995 ("January 1995 Amended SOES Rules"),<sup>4</sup> further modified in March 1995 ("March 1995 Amended SOES Rules"),<sup>5</sup> and most recently extended in September 1995 ("September 1995 Amended SOES Rules").<sup>6</sup> The September 1995 Amended SOES Rules are scheduled to expire on January 31, 1996, and the NASD seeks to extend these rules until July 31, 1996. Without further Commission action, the SOES rules and would revert to those in effect prior to January 1994.

Notice of the proposed rule change appeared in the Federal Register on January 22, 1996.<sup>7</sup> No comment were received in response to the Commission release. For the reasons discussed below, this order approves the proposed rule change until July 31, 1996.

## II. Description of the Current and Prior Proposals

The NASD proposes to extend until July 31, 1996 the September 1995 Amended SOES Rules. Specifically, the NASD proposes to extend until July 31, 1996 changes that:

(1) Reduce the minimum exposure limit for "unpreferred" SOES orders from five times the maximum order size to two times the maximum order size, and eliminate the exposure limits for "preferred" SOES orders; and

(2) A reduction in the minimum exposure limit for "unpreferred" SOES orders for five times the maximum order size to two times the maximum order size, and the elimination of exposure limits for "preferred" orders;

(3) An automated function for updating market maker quotations when the market maker's exposure limit has been exhausted (market makers using this update function may establish an exposure limit equal to the maximum order size for that security); and

(4) The prohibition of short sale transactions through SOES.

<sup>4</sup> Securities Exchange Act Release No. 35275 (Jan. 25, 1995), 60 FR 6327 (Feb. 1, 1995).

The January 1995 Amended SOES Rules excluded the following feature of the January 1994 Amended SOES Rules:

(1) The prohibition of short sale transactions through SOES.

<sup>5</sup> Securities Exchange Act Release No. 35535 (Mar. 27, 1995), 60 FR 16690 (Mar. 31, 1995).

The March 1995 Amended SOES Rules Excluded the following two features of the January 1994 Amended SOES Rules:

(1) A reduction in the maximum size order eligible for SOES execution from 1,000 to 500 shares; and

(2) The prohibition of short sale transactions through SOES. (This prohibition also was excluded from the January 1995 Amended SOES Rules.) See *supra*, note 4.

<sup>6</sup> Securities Exchange Act Release No. 36311 (September 29, 1995), 60 FR 52438 (October 6, 1995). The September Amended SOES Rules were identical to the March 1995 Amended SOES Rules, and extended the effectiveness of such rules until January 31, 1996.

<sup>7</sup> Securities Exchange Act Release No. 36719 (January 16, 1996), 61 FR 1655 (January 22, 1996).

(2) Maintain the availability of an automated function for updating market maker quotations when the market maker's exposure limit has been exhausted (market makers using this update function may establish an exposure limit equal to the maximum order size for that security).

## III. Discussion

The Commission must approve a proposed NASD rule change if it finds that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder that govern the NASD.<sup>8</sup> In evaluating a given proposal, the Commission examines the record before it and relevant factors and information.<sup>9</sup> The Commission believes that approval of the proposal through July 31, 1996 meets the above standards. Specifically, the Commission believes that the current minimum exposure limit and automated quotation update feature are appropriate while the Commission considers NAcqess, the NASD's latest proposal for handling small orders from retail customers.<sup>10</sup>

The Commission believes that a sufficient basis exists for approving the NASD's proposal to continue the current operation of SOES. The system will continue to provide retail investors, through automation, an opportunity to obtain execution of orders in size up to 1,000 shares, ensuring access to the Nasdaq market.

In addition, as a result of the March 1995 Amended SOES Rules, the SOES minimum exposure limit was increased from 1,000 shares to 2,000 shares. Moreover, the March 1995 Amended SOES Rules continues the methodology

<sup>8</sup> 15 U.S.C. § 78s(b). The Commission's statutory role is limited to evaluating the rules as proposed against the statutory standards. See S. Rep. No. 75, 94th Cong., 1st Sess., at 13 (1975).

<sup>9</sup> In the Securities Acts Amendments of 1975, Congress directed the Commission to use its authority under the Act, including its authority to approve SRO rule changes, to foster the establishment of a national market system and promote the goals of economically efficient securities transactions, fair competition, and best execution. Congress granted the Commission "broad, discretionary powers" and "maximum flexibility" to develop a national market system and to carry out these objectives. Furthermore, Congress gave the Commission "the power to classify markets, firms, and securities in any manner it deems necessary or appropriate in the public interest or for the protection of investors and to facilitate the development of subsystems within the national market system." S. Rep. No. 75, 94th Cong., 1st Sess., at 7 (1975).

<sup>10</sup> See Securities Exchange Act Release No. 36548 (December 1, 1995), 60 FR 63092 (December 8, 1995). The comment period for the NAcqess proposal closed on January 26, 1996, and to date the Commission has received over 250 comments on the proposal. The Commission's evaluation of the NAcqess proposal may affect its evaluation of any future submissions relating to SOES.

for calculating a market maker's outstanding exposure limit that excluded orders executed pursuant to a preferencing arrangement. Under the SOES Rules prior to the January 1994 Amended SOES Rules, both preferred and unpreferred orders were considered when calculating a market maker's remaining exposure limit. Thus, in relative terms, the 2,000 share exposure limit potentially provides greater liquidity under certain conditions compared to the pre-January 1994 Amended SOES Rules' 5,000 share minimum exposure limit.

The Commission continues to believe that the current operation of SOES has eliminated economically significant restrictions imposed on order entry firms by the January 1994 Amended SOES Rules. The Commission believes that while the proposal does not restore the pre-January 1994 Amended SOES Rules' minimum exposure limit, it provides customers fair access to the Nasdaq market and reasonable assurance of timely executions. In this regard, the maximum order size is consistent with the size requirement prescribed under the Firm Quote Rule<sup>11</sup> and NASD rules governing the character of market maker quotations.<sup>12</sup> Moreover, a market maker's minimum exposure limit for unpreferred orders is double its minimum size requirement prescribed under these rules.

The Commission also believes that extending the automated update function is consistent with the Act and, in particular, the Firm Quote Rule.<sup>13</sup> The update function provides market makers the opportunity to update their quotations automatically after executions through SOES; under the Commission's Firm Quote Rule, market makers are entitled to update their quotations following an execution and prior to accepting a second order at their published quotes.<sup>14</sup>

<sup>11</sup> 17 CFR 240.11Ac1-1(c).

<sup>12</sup> *NASD Manual*, Schedules to the By-Laws, Schedule D, Part V, Sec. 2(a), (CCH) ¶1819.

<sup>13</sup> The SOES automated update function is also consistent with the NASD's autoquote policy which generally prohibits autoquote systems, but allows automatic updating of quotations "when the update is in response to an execution in the security by that firm." *NASD Manual*, Schedules to the By-Laws, Schedule D, Part V, Sec. 2 (CCH) ¶1819.

<sup>14</sup> The Firm Quote Rule requires market makers to execute orders at prices at least as favorable as their quoted prices. 17 CFR 11Ac1-1(c)(2). The Rule also allows market makers a reasonable period of time to update their quotations following an execution; allows market makers to reject an order if they have communicated a quotation update to their exchange or association; and provides for a size limitation on liability at a given quote. 17 CFR 240.11Ac1-1(c)(3)(ii). See also, Securities Exchange Act Release No. 14415 (Jan. 26, 1978), 43 FR 4342 (Feb. 1, 1978).

In its Order approving the September 1995 Amended SOES Rules, the Commission noted its concern about the potential for delayed and/or inferior executions. In that regard, the Commission stated that it expected the NASD to monitor the extent to which exposure limits are exhausted, the extent to which the automated quotation update feature is used, and the effects of these two aspects on liquidity. Moreover, the Commission stated that it expected the NASD to consider the possibility of enhancements to eliminate the potential for delayed and/or inferior executions. The NASD, therefore, submitted a report in response to the Commission's requests.<sup>15</sup>

In the Monitoring Report, the NASD found that from October 2, 1995 to November 22, 1995, the average daily number of occurrences of SOES exposure limits being exhausted was eighty-three.<sup>16</sup> The NASD stated that relative to the average number of market making positions on the Nasdaq National Market, the average is equivalent to 0.0019 occurrences per market making position per day or 0.0211 occurrences per stock per day.<sup>17</sup> The NASD concluded that, based on these numbers, the impact of exhaustions on liquidity is negligible.<sup>18</sup>

The NASD also supplied data regarding the automated quotation update feature in the Monitoring Report. The NASD stated that the average daily number of updates using the Nasdaq automated quotation update feature over the period was 3,394.<sup>19</sup> The NASD reported that as of November 21, 1995, the automated quotation update feature was used by 126 market makers for 10,644 market making positions, or 26 percent of all active market makers and 24 percent of all Nasdaq National Market market making positions.<sup>20</sup>

With regard to the Commission's request that the NASD consider the

possibility of enhancements to SOES in order to eliminate the potential for delayed and/or inferior executions, the NASD, in its Monitoring Report, stated that the average delay between a SOES market order entry and order execution is 1.62 seconds.<sup>21</sup> The NASD concluded that such delays do not appear to warrant enhancements to SOES.

In further support of its proposal, the NASD continues to rely on the same arguments and justifications previously submitted to the Commission in support of the amendments to SOES. In the orders approving the January 1995, March 1995, and September 1995 Amended SOES Rules, however, the Commission expressed its belief that the data submitted by the NASD was inconclusive, demonstrating neither significant improvement to nor serious deterioration in the quality of the Nasdaq market subsequent to the adoption of the January 1994 Amended SOES Rules.<sup>22</sup> The information submitted by the NASD since its initial study, including the Monitoring Report, does not alter the Commission's original assessment. The Commission, therefore, continues to believe that the data submitted by the NASD demonstrates neither a significant improvement to nor serious deterioration in the quality of the Nasdaq market as a result of the adoption of the January 1994, January 1995, March 1995, and September 1995 Amended SOES Rules.<sup>23</sup> Moreover, the Commission believes this is true whether the amended SOES rules are viewed collectively or individually. Thus, the Commission finds the data submitted by the NASD to be inconclusive. For the reasons discussed above, however, the Commission has determined to approve the proposal to extend the September 1995 Amended SOES Rules through July 31, 1996.

#### IV. Conclusion

As indicated above, the Commission has determined to approve the extension of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature through July 31, 1996. In light of the balance of factors described above, the Commission believes extension of the reduction in the minimum exposure limit, the limitation of the exposure

limit to unpreferred orders, and the addition of an automation quotation update feature are consistent with the Act.

The Commission, in the exercise of the authority delegated to it by Congress, and in light of its experience regulating securities markets and market participants, has determined that approval of these changes to the SOES Rules until July 31, 1996 is consistent with maintaining investor protection and fair and orderly markets, and that these goals, on balance, outweigh possible anti-competitive effects on order entry firms and their customers.

Accordingly, the Commission finds that the rule change is consistent with the Act and the rules and regulations thereunder applicable to the NASD and, in particular, Sections 15A(b)(6), 15A(b)(9), and 15A(b)(11). In addition, the Commission finds that the rule change is consistent with the Congressional objectives for the equity markets, set out in Section 11A, of achieving more efficient and effective market operations, fair competition among brokers and dealers, and the economically efficient execution of investor orders in the best market.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publication of notice of filing thereof in the Federal Register. In addition to the reasons discussed in this order, the Commission believes that accelerated approval of the NASD's proposal is appropriate given the fact that the proposal is an extension of the amended SOES Rules that have been in effect since March 1995; that the information presently before the Commission leads to the conclusion that the current minimum exposure limit and automated quotation update function are appropriate features for SOES while the Commission considers the NASD's NAQcess proposal; and that without Commission action on or before January 31, 1996, the SOES rules would revert to those in effect prior to January 1994, resulting in a temporary lapse in continuity.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the instant rule change SR-NASD-95-60 be, and hereby is, approved, effective February 1, 1996 through July 31, 1996.

By the Commission.  
Margaret H. McFarland,  
*Deputy Secretary*.  
[FR Doc. 96-2464 Filed 2-5-96; 8:45 am]  
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<sup>15</sup> Monitoring Report of Exhaustion of SOES Exposure Limits and the Usage of Nasdaq Automated Quotation Update Feature, NASD Economic Research Department, December 18, 1995 ("Monitoring Report").

<sup>16</sup> The high was 119 occurrences on November 21, 1995, and the low was 47 occurrences on October 4, 1995.

<sup>17</sup> These averages were based on averages of 44,062 market maker positions and 3,932 securities per day.

<sup>18</sup> The NASD also noted that even when an exhaustion occurred, it is likely that other market makers were at the inside quote to provide liquidity to SOES orders.

<sup>19</sup> The high was 5,376 on October 10, 1995 and the low was 2,157 on October 4, 1995.

<sup>20</sup> The NASD noted that these numbers do not take into account any internal automated quotation update systems that individual market making firms may employ and therefore, overall automated quotation update usage on Nasdaq is greater than the NASD's calculations demonstrate.

<sup>21</sup> The NASD noted that the maximum delay for a recent day was 87 seconds.

<sup>22</sup> See Securities Exchange Act Release Nos. 35275 (Jan. 25, 1995), 60 FR 6327 (Feb. 1, 1995); 35535 (Mar. 27, 1995), 60 FR 16690 (Mar. 20, 1995); 36311 (Sept. 29, 1995), 60 FR 52438 (Oct. 6, 1995).

<sup>23</sup> Nonetheless, the Commission continues to be interested in data and studies demonstrating the effect, if any, of the SOES rule changes on the Nasdaq market.

[Release No. 34-36790; File No. SR-PTC-95-09]

**Self-Regulatory Organizations; Participants Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Declaring a Dividend**

January 30, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> notice is hereby given that on December 28, 1995, the Participants Trust Company ("PTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-PTC-95-09) as described in Items I, II, and III below, which Items have been prepared primarily by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The proposed rule change declares a dividend payable on December 29, 1995, to PTC's stockholders of record as of December 21, 1995.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, PTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. PTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.<sup>2</sup>

**(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

As a condition to approving PTC's application for stock in the Federal Reserve Bank of New York, the Board of Governors of the Federal Reserve System ("Board of Governors") prohibited PTC from paying dividends to its stockholders.<sup>3</sup> The Board of Governors subsequently relieved PTC of the restriction on payment of dividends

with the understanding that dividends, if declared, would be declared periodically by PTC's Board of Directors and would be paid at a rate not to exceed the 90-day United States Treasury bill rate in effect at the time the dividend is declared.<sup>4</sup>

The Commission approved PTC's practice of paying dividends out of net profits subject to the limitations imposed by the Board of Governors and subject to the further requirements that (i) prior to using excess income from invested principal and interest ("P&I") to pay a dividend, PTC's Board of Directors be advised of any amount related to the investment of P&I which has not been rebated and is part of the net profits used to declare the dividend and affirmatively approve the application of such excess P&I income for the dividend and (ii) PTC file a proposed rule change pursuant to Section 19(b)(3)(A) of the Act each time it declares a dividend.<sup>5</sup>

PTC has paid dividends on January 18, 1993, in the amount of \$.52 per share to stockholders of record as of the close of business on December 31, 1992,<sup>6</sup> on January 20, 1994, in the amount of \$.525 per share to stockholders of record as of the close of business on December 31, 1993,<sup>7</sup> and on January 20, 1995, in the amount of \$1.00 per share to stockholders of record as of the close of business on December 31, 1994.<sup>8</sup> At its meeting on December 21, 1995, PTC's Board of Directors declared a dividend payable on December 29, 1995, in the amount of \$.98 per share to stockholders of record as of the close of business on December 21, 1995. This dividend rate does not exceed the 90-day United States Treasury bill rate in effect on December 21, 1995.<sup>9</sup> The dividend does not include any excess income attributable to investments of P&I as all such P&I related income with respect to fiscal year ended December

31, 1995, will be rebated to participants on a *pro rata* basis based on the amount of P&I disbursements to each participant.

PTC believes that the proposed rule change is consistent with Section 17A(b)(3)(D) of the Act<sup>10</sup> and the rules and regulations thereunder in that it provides for the equitable allocation of reasonable fees and other charges among participants.

**(B) Self-Regulatory Organization's Statements on Burden on Competition**

PTC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

**(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others**

PTC has not solicited comments with respect to the proposed rule change, and none have been received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(i) of the Act<sup>11</sup> and subparagraph (e)(1) of Rule 19b-4<sup>12</sup> thereunder because the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the

<sup>4</sup> Letter from Jennifer J. Johnson, Associate Secretary to the Board, Board of Governors, to Leopold S. Rassnick, Vice President and General Counsel, PTC (June 9, 1992). The State of New York Banking Department subsequently removed its restriction on the payment of dividends. Letter from Carmine M. Tenga, Deputy Superintendent of Banks, State of New York Banking Department, to Leopold S. Rassnick, Vice President and General Counsel, PTC (December 21, 1992).

<sup>5</sup> Securities Exchange Act Release No. 31746 (January 15, 1993), 58 FR 6319 [File No. SR-PTC-92-15].

<sup>6</sup> *Id.*

<sup>7</sup> Securities Exchange Act Release No. 33487 (January 18, 1994), 59 FR 3900 [File No. SR-PTC-93-07].

<sup>8</sup> Securities Exchange Act Release No. 35205 (January 9, 1995), 60 FR 3444 [File No. SR-PTC-94-08].

<sup>9</sup> The 90-day United States Treasury bill rate, as published in *The Wall Street Journal* on December 21, 1995, was 5.13%.

<sup>10</sup> 15 U.S.C. § 78q-1(b)(3)(D) (1988).

<sup>11</sup> 15 U.S.C. § 78s(b)(3)(A)(i) (1988).

<sup>12</sup> 17 CFR 240.19b-4(e)(1) (1995).

<sup>1</sup> 15 U.S.C. § 78s(b)(1) (1988).

<sup>2</sup> The Commission has modified the text of the summaries prepared by PTC.

<sup>3</sup> Letter from William W. Wiles, Secretary of the Board, Board of Governors, to Thomas A. Williams, Milbank, Tweed, Hadley & McCloy (March 27, 1989).



proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of PTC. All submissions should refer to File No. SR-PTC-95-09 and should be submitted by February 27, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>13</sup>

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96-2463 Filed 2-5-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36791; International Series Release No. 925; File No. Sr-ISCC-95-05]

**Self-Regulatory Organizations;  
International Securities Clearing  
Corporation; Order Approving  
Proposed Rule Change Relating to  
Global Clearance Network Service**

January 30, 1996.

On November 22, 1995, International Securities Clearing Corporation ("ISCC") filed a proposed rule change (File No. SR-ISCC-95-05) with the Securities and Exchange Commission ("Commission") pursuant to Section 19(b) of the Securities Exchange Act of 1934 ("Act").<sup>1</sup> Notice of the proposal was published in the Federal Register on December 27, 1995, to solicit comments from interested persons.<sup>2</sup> No comments were received. As discussed below, this order approves the proposed rule change.

**I. Description**

ISCC has established a foreign clearance, settlement, and custody service known as a Global Clearance Network ("GCN") in conjunction with certain banks, trust companies, and other entities. Presently, ISCC has established GCN relationships with Citibank, N.A., Standard Bank of South Africa, Westpac Custodian Nominees Limited of Australia, and Westpac Nominees-NZ-Limited.<sup>3</sup> The proposed rule change accommodates S.D.

INDEVAL, S.A. de C.V. ("INDEVAL") as an additional GCN service provider.

INDEVAL provides clearance, settlement, and custodial services for all transactions executed on the Mexican Stock Exchange and for transactions in other securities that are publicly traded in Mexico.<sup>4</sup> INDEVAL accepts any security publicly offered in Mexico for custody and clearing except for certain Mexican government securities.<sup>5</sup> As of December 31, 1994, 415 institutions were registered with INDEVAL, and the value of assets under INDEVAL's custody was 744.2 billion Mexican pesos. INDEVAL may act as an eligible foreign custodian under Rule 17f-5 under the Investment Company Act of 1940.<sup>6</sup>

INDEVAL has entered into an agreement with ISCC pursuant to which INDEVAL has agreed to provide access to its clearance, settlement, and custody services to GCN participants that qualify to be customers of INDEVAL.<sup>7</sup> ISCC has developed a cross-broker communication link to INDEVAL using the telecommunication system provided by the Society for Worldwide Interbank Financial Telecommunications S.C. ("SWIFT"). The link permits ISCC members that also are members of INDEVAL to send instructions through ISCC to INDEVAL regarding such participants' INDEVAL accounts. The link does not provide a mechanism for transferring securities or funds into or out of the United States. INDEVAL is providing the services at its scheduled rates and is responsible for collecting fees directly from the participants.

**II. Discussion**

The Commission believes the proposal is consistent with the

<sup>4</sup> INDEVAL was created under Mexican securities law in 1978 and has been privately owned since 1987. Its shareholders are brokerage houses, banks, insurance companies, Banco de Mexico (the central bank of Mexico), and the Mexican Stock Exchange. INDEVAL is regulated by the Government of Mexico.

<sup>5</sup> Starting in April 1994, Banco de Mexico authorized INDEVAL to offer custodial and transfer services for government debt securities to foreign direct account depositors by means of a link between Banco de Mexico and INDEVAL.

<sup>6</sup> Letter from Richard F. Jackson, Division of Investment Management, Commission to INDEVAL, File No. 132-3 (October 19, 1990). An "eligible foreign custodian" includes a securities depository or clearing agency which is incorporated or organized under the laws of a country other than the United States and which operates the central system for handling of securities or equivalent book-entries in that country. 17 CFR 270.17f-5(c)(2)(iii) (1995).

<sup>7</sup> The agreement is terminable on ninety days prior notice. However, if ISCC notifies INDEVAL within such ninety day period that it has not been able to make arrangements with an alternative service provider, the agreement terminates thirty days after the expiration of such ninety day period.

requirements of Section 17A of the Act and therefore is approving the proposal.<sup>8</sup> In the initial order granting ISCC temporary registration as a clearing agency, the Commission stated that the development of efficient and comparable automated national and international clearance, settlement, and payment systems is one of the more important international goals.<sup>9</sup> The Commission noted that without established international systems, broker-dealers and their institutional customers often are forced to devote substantial resources to each task related to trade settlement and must deliver securities by physical means. The Commission also found that clearing linkages facilitate cross-border settlements without compromising the essential soundness and integrity of each national clearing and settlement system.

The GCN service offers participating ISCC members advantages in securities processing including central access for processing trades, standardized operating procedures, receipt of uniform reports on their trades, and reduced costs. The addition of INDEVAL as a GCN provider gives ISCC participants access to settlement services in areas not currently covered by the GCN service and thus increases the utility of the GCN service. Therefore, the Commission believes the proposal is consistent with Section 17A(b)(3)(F) of the Act in that it promotes the prompt and accurate clearance and settlement of securities transactions.<sup>10</sup>

**III. Conclusion**

For the reasons stated above, the Commission finds that ISCC's proposal is consistent with Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,<sup>11</sup> that the proposed rule change (File No. SR-ISCC-95-05) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>12</sup>

Margaret H. McFarland,

*Deputy Secretary.*

FR Doc. 96-2461 Filed 2-5-96; 8:45 am]

BILLING CODE 8010-01-M

<sup>8</sup> 15 U.S.C. 78q-1 (1988).

<sup>9</sup> Securities Exchange Act Release 26812 (May 12, 1989), 54 FR 21691.

<sup>10</sup> 15 U.S.C. 78q-1(b)(3)(F) (1988).

<sup>11</sup> 15 U.S.C. 78s(b)(2) (1988).

<sup>12</sup> 17 CFR 200.30-3(a)(12) (1995).

<sup>13</sup> 17 CFR 200.30-3(a)(12) (1995).

<sup>1</sup> 15 U.S.C. 78s(b) (1988).

<sup>2</sup> Securities Exchange Act Release No. 36605 (December 20, 1995), 60 FR 67004.

<sup>3</sup> Securities Exchange Act Release Nos. 29841 (October 18, 1991), 56 FR 55960; 35392 (February 16, 1995), 60 FR 10415; and 36339 (October 5, 1995), 60 FR 53447.



**SMALL BUSINESS ADMINISTRATION****[Declaration of Disaster Loan Area #2828]****Tennessee; Declaration of Disaster Loan Area**

Monroe County and the contiguous counties of Blount, Loudon, McMinn and Polk in the State of Tennessee, and Cherokee, Graham, and Swain Counties in the State of North Carolina constitute a disaster area as a result of damages caused by a fire which occurred on January 15, 1996 in the City of Sweetwater. Applications for loans for physical damage may be filed until the close of business on April 1, 1996, and for economic injury until the close of business on October 30, 1996, at the address listed below: Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308 or other locally announced locations.

The interest rates are:

	Per- cent
For Physical Damage:	
Homeowners With Credit Available Elsewhere .....	8.000
Homeowners Without Credit Available Elsewhere .....	4.000
Businesses With Credit Available Elsewhere .....	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere .....	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere .....	7.125
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere .....	4.000

The numbers assigned to this disaster for physical damages are 282805 for Tennessee and 282905 for North Carolina. For economic injury the numbers are 874100 for Tennessee and 874200 for North Carolina.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: January 30, 1996.

Philip Lader,  
Administrator.

[FR Doc. 96-2422 Filed 2-5-96; 8:45 am]

BILLING CODE 8025-01-P

**DEPARTMENT OF TRANSPORTATION****Coast Guard****[CGD 96-004]****Merchant Vessel Personnel Advisory Committee; Meeting**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of Meeting.

**SUMMARY:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice hereby is given of a meeting of the Merchant Vessel Personnel Advisory Committee (MERPAC).

**DATES:** A working group meeting will be held on Thursday, March 7, 1996 at Texas A&M University, 53rd and Avenue U, Galveston, Texas. A public meeting will be held on Friday, March 8, 1996, at Texas A&M University, 200 Seawolf Parkway, Galveston, Texas. Texas A&M University may be contacted at (409) 740-4851. The meetings are scheduled to run from 8:30 a.m. to 4 p.m. each day. Attendance at both meetings is open to the public.

**SUPPLEMENTAL INFORMATION:** The agenda for the MERPAC meeting follows:

1. Subcommittee Reports
  - (a) Certified instructors/Designated examiners.
  - (b) Minding the Helm: Marine Navigation and Piloting.
  - (c) International Convention on the Standards of Training, Certification and Watchkeeping (STCW).
2. Other Issues to be Discussed
  - (a) Prevention Through People (PTP) tasking statement.
  - (b) Tankerman regulations—Qualifications for Tankermen, and for Persons in Charge of Transfers of Dangerous Liquids and Liquefied Gases.
  - (c) Regional Examination Center activities.
  - (d) National Maritime Center—Course approvals & examinations.

With advance notice, and at the discretion of the Chairman, members of the public may present oral statements at the March 8, 1996 meeting. Persons wishing to present oral statements on March 8, 1996 should notify the MERPAC Executive Director no later than the day before the meeting. Written statements or materials may be submitted for presentation to the Committee at any time; however, to ensure distribution to each Committee member, 20 copies of the written materials should be submitted to the Executive Director at the address below no later than February 23, 1996.

**FOR FURTHER INFORMATION CONTACT:** CDR John Sarubbi, Executive Director, Merchant Personnel Advisory Committee (MERPAC), Room 1208, U.S. Coast Guard Headquarters, 2100 Second St., SW, Washington, DC 20593-0001, (202) 267-0229.

Dated: January 26, 1996.

Joseph J. Angelo,

Director for Standards, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 96-2454 Filed 2-5-96; 8:45 am]

BILLING CODE 4910-14-M

**Federal Aviation Administration****Research, Engineering and Development Advisory Committee; Change in Meeting Place**

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Public Law 92-463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the FAA Research, Engineering and Development Advisory Committee.

The meeting place has been changed to the Holiday Inn on the Hill, 415 New Jersey Avenue, NW, Washington, DC. The days will remain the same February 14, 9 a.m. to 5 p.m. and February 15, 8 a.m. to 12 noon.

Issued in Washington, DC, on January 31, 1996.

Randall Stevens,

Acting Manager, Research Division.

[FR Doc. 96-2506 Filed 2-5-96; 8:45 am]

BILLING CODE 4910-13-M

**Intent To Rule on Application To Impose a Passenger Facility Charge (PFC) at Chicago O'Hare International Airport, Chicago, Illinois and Use PFC Revenue at Gary Regional Airport, Gary, IN**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Intent to Rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose a PFC at Chicago O'Hare International Airport and use the revenue from a PFC at Gary Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

**DATES:** Comments must be received on or before March 7, 1996.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Chicago Airports District Office, Room 258, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. David R. Mosena, Commissioner, of the City of Chicago Department of Aviation at the following address: Chicago O'Hare International Airport, P.O. Box 66142, Chicago, Illinois 60666.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Chicago Department of Aviation under section 158.23 of Part 15.

**FOR FURTHER INFORMATION CONTACT:** Mr. Louis H. Yates, Manager, Chicago Airports District Office, 2300 East Devon Avenue, Room 258, Des Plaines, Illinois 60018, (847) 294-7335. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose a PFC at Chicago O'Hare International Airport and use the revenue from a PFC at Gary Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On January 22, 1996, the FAA determined that the application to impose and use the revenue from a PFC submitted by City of Chicago Department of Aviation was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than April 20, 1996.

The following is a brief overview of the application.

PFC application number: 96-04-C-00-ORD.

Level of the PFC: \$3.00.

Actual charge effective date: September 1, 1993.

Revised estimated charge expiration date: June 1, 1999.

Total estimated PFC revenue: \$1,500,000.

Brief description of proposed project(s):

- a. Construct West Terminal Apron Expansion
- b. Construct Deicing Apron
- c. Construct East T-Hangar Area Taxiways and Access Road

d. Overlay/Extend and/or Sealcoat Existing FBO Apron

e. Install Airport Perimeter Fencing Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Chicago Department of Aviation.

Issued in Des Plaines, Illinois on January 29, 1996.

Benito De Leon,

Manager, Planning/Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 96-2509 Filed 2-5-96; 8:45 am]

BILLING CODE 4910-13-M

## Federal Aviation Administration

### Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Bradley International Airport

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Intent to Rule on Application.

**SUMMARY:** The FAA proposed to rule and invites public comment on the application to impose and use the revenue from a Passenger Facility Charge at Bradley International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

**DATES:** Comments must be received on or before March 7, 1996.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Robert F. Juliano, at the following address: Bureau Chief, Aviation and Ports, State of Connecticut, Department of Transportation, 2800 Berlin Turnpike, P.O. Box 317546, Newington, Connecticut, 06131-7546.

Air carriers and foreign air carriers may submit copies of written comments

previously provided to the Connecticut Department of Transportation under § 158.23 of Part 158 of the Federal Aviation Regulations.

**FOR FURTHER INFORMATION CONTACT:** Priscilla A. Scott, PFC Program Manager, Federal Aviation Administration, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803, (617) 238-7614. The application may be reviewed in person at 16 New England Executive Park, Burlington, Massachusetts.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a Passenger Facility Charge (PFC) at Bradley International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On January 25, 1996, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Connecticut Department of Transportation was substantially complete within the requirements of § 158.25 of Part 158 of the Federal Aviation Regulations. The FAA will approve or disapprove the application, in whole or in part, no later than April 19, 1996.

The following is a brief overview of the impose and use application.

PFC Project No.: 96-04-C-00-BDL.

Level of the proposed PFC: \$3.00.

Proposed charge effective date: June 1, 1996.

Proposed estimated charge expiration date: December 1, 1996.

Estimated total net PFC revenue: \$2,995,000.

Brief description of project: Acquire Snow Removal Equipment; Acquire Aircraft Rescue and Fire Fighting Vehicles.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: On demand Air Taxi/Commercial Operators (ATCO), that (1) do not enplane or deplane passengers at the main passenger terminal building; and (2) enplane less than 500 passengers per year at Bradley International Airport.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Connecticut

Department of Transportation Building,  
2800 Berlin Turnpike, Newington,  
Connecticut.

Issued in Burlington, Massachusetts, on  
January 29, 1996.

Vincent A. Scarano,

*Manager, Airports Division, New England  
Region.*

[FR Doc. 96-2507 Filed 2-5-96; 8:45 am]

BILLING CODE 4910-13-M

**Notice of Intent to Rule on Application  
To Impose a Passenger Facility Charge  
(PFC) at Sacramento Metropolitan  
Airport (SMF), Sacramento, California  
and Use the Revenue at SMF and  
Mather Airports**

**AGENCY:** Federal Aviation  
Administration (FAA), DOT.

**ACTION:** Notice of Intent to Rule on  
Application.

**SUMMARY:** The FAA proposes to rule and  
invites public comment on the  
application to impose a PFC at  
Sacramento Metropolitan Airport (SMF)  
and use the revenue at SMF and Mather  
Airports under the provisions of the  
Aviation Safety and Capacity Expansion  
Act of 1990 (Title IX of the Omnibus  
Budget Reconciliation Act of 1990)  
(Pub. L. 101-508) and Part 158 of the  
Federal Aviation Regulations (14 CFR  
Part 158).

**DATES:** Comments must be received on  
or before March 7, 1996.

**ADDRESSES:** Comments on this  
application may be mailed or delivered  
in triplicate to the FAA at the following  
address: Federal Aviation  
Administration, Airports Division,  
15000 Aviation Blvd., Lawndale, CA  
90261, or San Francisco Airports  
District Office, 831 Mitten Road, Room  
210, Burlingame, CA 94010-1303. In  
addition, one copy of any comments  
submitted to the FAA must be mailed or  
delivered to Mr. Thomas P. Engel,  
Director, Department of Airports,  
County of Sacramento, at the following  
address: 6900 Airport Boulevard,  
Sacramento, California 95837. Air  
carriers and foreign air carriers may  
submit copies of written comments  
previously provided to the County of  
Sacramento under § 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:**  
Mr. Joseph R. Rodriguez, Supervisor,  
Planning and Programming Section,  
Airports District Office, 831 Mitten  
Road, Room 210, Burlingame, CA  
94010-1303, Telephone: (415) 876-  
2805. The application may be reviewed  
in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA  
proposes to rule and invites public

comment on the application to impose  
a PFC at Sacramento Metropolitan  
Airport (SMF) and use the revenue at  
SMF and Mather Airports under the  
provisions of the Aviation Safety and  
Capacity Expansion Act of 1990 (Title  
IX of the Omnibus Budget  
Reconciliation Act of 1990) (Pub. L.  
101-508) and Part 158 of the Federal  
Aviation Regulations (14 CFR Part 158).

On January 25, 1996, the FAA  
determined that the application to  
impose and use the revenue from a PFC  
submitted by the County of Sacramento  
was substantially complete within the  
requirements of § 158.25 of Part 158.  
The FAA will approve or disapprove the  
application, in whole or in part, no later  
than April 24, 1996.

The following is a brief overview of  
the use application number AWP-96-  
05-C-00-SMF.

*Level of proposed PFC:* \$3.00.

*Charge effective date:* July 1, 1996.

*Estimated charge expiration date:*  
June 30, 2026.

*Total estimated PFC revenue:*  
\$82,867,000.

*Brief description of the impose and  
use projects:* Air Quality Mitigation  
Compressed Natural Gas System,  
Airfield Support Shops and Facilities,  
Sacramento Area Flood Control Agency  
Flood Control Project, Airfield Drainage  
Control Equipment—Backhoe, Terminal  
Roadway Island Widening, GA Apron  
Airside Access Road, FOD Removal  
Equipment—Airfield Sweeper at  
Sacramento Mather Airport, Earhart  
Drive Reconstruction, Terminals 1 & 2  
Rehabilitation, Phase 3, Security System  
Upgrade, Airfield, Terminal, Tower  
Communications System—Telephone  
Switch, Concourse Throat Expansion,  
West Terminals Jet Loaders, Phase 2,  
ARFF Vehicles Replacement, Surface  
Movement Guidance Control System,  
Aircraft Noise Monitoring System,  
Metro Airport Master Plan Update and  
EIR, Metro Airport Part 150 Study,  
Terminals 1, 2, & 3, CPS and  
Administration Buildings Electrical  
System Reconstruction/Upgrade Phase  
2, Reconstruct Electrical Vault and  
Construct East Vault, and Airport  
System Revenue Bond Issuance Costs,  
Debt Service Reserve Funding, Bond  
Coverage and Interest Expense for  
Projects in Passenger Facility Charge  
Application Number 5.

*Class or classes of air carriers which  
the public agency has requested not be  
required to collect PFCs:* None.

Any person may inspect the  
application in person at the FAA office  
listed above under **FOR FURTHER  
INFORMATION CONTACT** and at the FAA  
Regional Airports Division located at:  
Federal Aviation Administration,

Airports Division, 15000 Aviation Blvd.,  
Lawndale, CA 90261. In addition, any  
person may, upon request, inspect the  
application, notice and other documents  
germane to the application in person at  
the County of Sacramento.

Issued in Hawthorne, California, on  
January 25, 1996.

Herman C. Bliss,

*Manager, Airports Division, Western Pacific  
Region.*

[FR Doc. 96-2512 Filed 2-5-96; 8:45 am]

BILLING CODE 4910-13-M

**Federal Railroad Administration**

**[FRA Docket No. HS-96-1]**

**Petitions for Waivers of Compliance**

Notice is hereby given that the  
Southern Pacific Transportation  
Company (SPT), the Brotherhood of  
Locomotive Engineers (BLE) and the  
United Transportation Union (UTU)  
have jointly petitioned the Federal  
Railroad Administration (FRA) for a  
waiver of compliance with a provision  
of the Federal hours of service laws (49  
U.S.C. 21103(b)(4)) affecting train  
employees.

The Federal hours of service laws  
currently make it unlawful for a railroad  
carrier to require specified train  
employees to remain on duty in excess  
of 12 hours, except as provided in 49  
U.S.C. 21102(a) and 21103(c). In  
addition, the Federal hours of service  
laws define time on duty for train  
employees to include time spent in  
deadhead transportation to duty  
assignment, but define time spent in  
deadhead transportation from a duty  
assignment to the place of final release  
as neither time on duty nor off duty.

Section 21108(a) of title 49 of the  
United States Code provides that a  
railroad carrier and all labor  
organizations representing any class or  
craft of directly affected covered service  
employees of the railroad carrier, may  
jointly petition for approval of a waiver,  
in whole or in part, of compliance with  
the Federal hours of service laws to  
enable the establishment of one of more  
pilot projects to demonstrate the  
possible benefits of implementing  
alternatives to the strict application of  
the requirements of the hours of service  
laws to such class or craft of employees.

The petitioners seek a waiver  
pursuant to this section, in order to  
establish a pilot project in which certain  
SPT train employees may be permitted  
to treat travel time to a duty assignment  
as commuting time that would  
otherwise be counted as on-duty time  
under FRA's application of the

deadheading provision of the Federal hours of service laws. Affected SPT train employees (engineers and trainmen) operate under an agreement, commonly known as the Los Angeles Basin agreement (agreement), in unassigned freight pool service (BLE) and pool freight service (UTU) between Los Angeles (LATC) and West Colton, California. Train employees called for service under this agreement may go on or off duty at LATC, Dolores (ICTF) or West Colton.

FRA has interpreted the Federal hours of service laws as requiring that deadheading time include personal automobile travel to a point of duty assignment other than the regular reporting point of an individual train employee. SPT, BLE and UTU seek waiver relief from FRA's interpretation to allow train employees covered by the agreement to report on or off duty at the identified locations without including personal automobile travel time as time on duty for purposes of 49 U.S.C. 21103(b)(4).

The SPT, BLE, and UTU state "that the agreements will positively impact safety by allowing each employee to have additional rest between tours of duty thereby providing less stress." The petitioners also state "it is expected that these agreements will result in less personnel turnover on these assignments."

Interested parties are invited to participate in these proceedings by submitting written views, data or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis of their request.

All communications concerning these proceedings should identify the waiver petition docket number (e.g., Waiver Petition Docket Number HS-96-01) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

Communications received within 30 days of the date of publication of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m. to 5 p.m.) in room 8201, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

Issued in Washington, DC on February 1, 1996.

Phil Olekszyk,

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

[FR Doc. 96-2505 Filed 2-5-96; 8:45 am]

BILLING CODE 4910-06-M

### Ensuring Tank Car Safety

**AGENCY:** Federal Railroad Administration, DOT.

**ACTION:** Notice of public information meeting.

**SUMMARY:** The Federal Railroad Administration (FRA) announces a public meeting to discuss the safety of tank car builders, users, and transporters.

**DATES:** The public meeting will be held February 13 and 14, 1996.

**FOR FURTHER INFORMATION CONTACT:** James H. Rader, Hazardous Materials Specialist, Office of Safety Assurance and Compliance, (202) 366-0510, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590. Internet address: JRADER@intergate.dot.gov.

**SUPPLEMENTARY INFORMATION:** FRA is hosting a public information meeting in Houston, Texas on February 13 and 14, 1996 on "Ensuring Tank Car Safety." At the meeting, representatives of FRA, the Research and Special Programs Administration (RSPA), the tank car industry, railroad transportation companies, petroleum and chemical producers, and state and local emergency response personnel will discuss the safety needs of the industry. They will highlight current and future planned efforts in research, regulatory development, and industry standards.

During the meeting, FRA and RSPA will seek the opinions of shippers and tank car owners, of state and local government officials, emergency responders, and the public about the focus of current efforts to ensure tank car safety. Representatives of governmental agencies and private enterprises will discuss the priorities to be given current and future FRA-sponsored research and rulemaking efforts as well as activities sponsored by industry.

The FRA anticipates that this meeting will provide a clear direction for gaining the greatest impact for public and private research dollars. In addition, both government and industry want to be certain that, to the maximum extent possible, governmental regulations and private industry standards are fully coordinated. The FRA appreciates the additional stimulus provided for the

February seminar by the Recommendations in National Research Council's Special Report #243, *Ensuring Railroad Tank Car Safety*, (Transportation Research Board, National Research Council, © 1994).

Conference space is limited and pre-registration is required. To participate in the public information meeting, participants must register and receive confirmation from Mr. James H. Rader, Federal Railroad Administration at (202) 366-0510 [Internet address: JRADER@intergate.dot.gov], Washington D.C.

Issued at Washington, DC, pursuant to the authority of 49 U.S.C. 5121, 20103, 20107, and 20108; and 49 CFR 1.49.

Jolene M. Molitoris,  
*Administrator.*

[FR Doc. 96-2430 Filed 2-5-96; 8:45 am]

BILLING CODE 4910-06-M

### National Highway Traffic Safety Administration

#### Safety Performance Standards, Research and Safety Assurance Programs Meetings

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of NHTSA Industry Meetings.

**SUMMARY:** This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's vehicle regulatory, safety assurance and other programs. In addition, NHTSA will hold two separate public meetings to describe and discuss specific research and development projects and to seek information on the safety of mirror systems.

**DATES:** The Agency's regular, quarterly public meeting relating to its vehicle regulatory, safety assurance and other programs will be held on March 13, 1996, beginning at 9:45 a.m. and ending at approximately 12:30 p.m. Questions relating to the above programs must be submitted in writing by March 1, 1996, to the address shown below. If sufficient time is available, questions received after March 1, may be answered at the meeting. The individual, group or company submitting a question(s) does not have to be present for the question(s) to be answered. A consolidated list of the questions submitted by March 1, 1996, and the issues to be discussed will be transmitted to interested persons by March 6, 1996, and will be available at the meeting. Also, the agency will hold a second public meeting on March 12,

devoted exclusively to a presentation of research and development programs. This meeting will begin at 1:30 p.m. and end at approximately 5:00 p.m. That meeting is described more fully in a separate announcement. In addition to the March 12th meeting, a third public meeting will be held on the afternoon of March 13th, following the NHTSA Technical Industry Public Meeting. This latter meeting will be held in the same location, from 1:30p.m. to 5:00p.m., and will seek suggestions for actions to enhance safety with respect to NHTSA's regulatory and non-regulatory mirror-related actions. That meeting is also described in further detail in a separate Federal Register notice. After the March meetings, the next vehicle regulatory, safety assurance and other programs will be held on June 13, 1996.

**ADDRESSES:** Questions for the March 13, NHTSA Technical Industry Meeting, relating to the agency's vehicle regulatory and safety assurance programs, should be submitted to Barry Felrice, Associate Administrator for Safety Performance Standards, NPS-01, National Highway Traffic Safety Administration, Room 5401, 400 Seventh Street, SW., Washington, DC 20590, Fax number (202) 366-4329. The meeting will be held at the Royce Hotel—Detroit Metro Airport, 31500 Wick Road, Romulus, Michigan 48174.

**SUPPLEMENTARY INFORMATION:** NHTSA will hold this regular, quarterly meeting to answer questions from the public and the regulated industries regarding the agency's vehicle regulatory, safety assurance and other programs. Questions on aspects of the agency's research and development activities that relate to ongoing regulatory actions should be submitted, as in the past, to the agency's Safety Performance Standards Office. The purpose of this meeting is to focus on those phases of NHTSA activities which are technical, interpretive or procedural in nature. Transcripts of these meetings will be available for public inspection in the NHTSA Technical Reference Section in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at ten cents a page, (length has varied from 100 to 150 pages) upon request to NHTSA Technical Reference Section, Room 5108, 400 Seventh Street, SW., Washington DC 20590. The Technical Reference Section is open to the public from 9:30 a.m. to 4:00 p.m.

We would appreciate the questions you send us to be organized by categories to help us to process the questions into agenda form more efficiently.

Sample format as follows:

- I. Rulemaking
  - A. Crashavoidance
  - B. Crashworthiness
  - C. Other Rulemakings
- II. Consumer Information
- III. Miscellaneous

NHTSA will provide auxiliary aids to participants as necessary. Any person desiring assistance of "auxiliary aids" (e.g., sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, Brailled materials, or large print materials and/or a magnifying device), please contact Barbara Carnes on (202) 366-1810, by COB March 1, 1996.

Barry Felrice,

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 96-2496 Filed 2-5-96; 8:45 am]

BILLING CODE 4910-59-M

## Surface Transportation Board<sup>1</sup>

[STB Finance Docket No. 32860]

### CSX Transportation, Inc.—Trackage Rights Exemption—Norfolk and Western Railway Company—Chicago, IL

CSX Transportation, Inc. (CSXT) has filed a verified notice under 49 CFR 1180.2(d)(7) to acquire overhead trackage rights from Norfolk and Western Railway Company (NW) over approximately 8,100 feet between the trackage connection of NW and the Belt Railway Company of Chicago (BRC) at the 80th Street Interlocking and the trackage connection of NW and BRC at the Belt Junction Interlocking, in Chicago, IL. The trackage rights are scheduled to become effective on February 8, 1996.

The notice states that the CSXT's use of the NW track will allow CSXT to provide double stack service, thereby increasing intermodal competition by providing more efficient service.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 354 I.C.C. 732 (1978) and 360 I.C.C. 653 (1980).

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Any pleadings must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: John W. Humes, Jr., Senior Counsel, CSX Transportation, Inc., 500 Water Street, J-150, Jacksonville, FL 32202.

*Decided:* January 30, 1996.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

Vernon A. Williams,

*Secretary.*

[FR Doc. 96-2457 Filed 2-5-96; 8:45 am]

BILLING CODE 4915-00-P

[STB Docket No. AB-466X]

### MNVA Railroad, Inc.—Discontinuance of Trackage Rights Exemption—in Ramsey and Hennepin Counties, MN

MNVA Railroad, Inc. (MNVA), has filed a verified notice under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances* to discontinue its trackage rights over 12 miles of rail line owned by Soo Line Railroad Company and known as the Depression Trackage, between milepost 416.23± at or near Merriam Park in St. Paul, and milepost 428.00± at or near France Avenue in Minneapolis, in Ramsey and Hennepin Counties, MN.

MNVA certifies that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in complainant's favor within the last 2 years; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903.

As a condition to use of this exemption, any employee adversely affected by the discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 7, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>4</sup> must be filed by February 16, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by February 26, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Thomas J. Litwiler, Oppenheimer Wolff & Donnelly, Two Prudential Plaza, 45th Floor, 180 North Stetson Ave., Chicago, IL 60601.

If the verified notice contains false or misleading information, the exemption is void ab initio.

MNVA has filed an environmental report which addresses the effects, if any, of the discontinuance on environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by February 9, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, 1201 Constitution Avenue, NW., Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

<sup>2</sup> A stay will be issued routinely by the Board in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of this notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit the Board to review and act on the request before the effective date of this exemption.

<sup>3</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

<sup>4</sup> The Board will accept a late-filed trail use request as long as it retains jurisdiction to do so.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

*Decided:* January 31, 1996.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

Vernon A. Williams,

*Secretary.*

[FR Doc. 96-2458 Filed 2-5-96; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

#### List of Countries Requiring Cooperation with an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1986, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986): Bahrain, Iraq, Kuwait, Lebanon, Libya, Oman, Qatar, Saudi Arabia, Syria, United Arab Emirates, and Republic of Yemen.

*Dated:* January 30, 1996.

Joseph Guttentag,

*International Tax Counsel (Tax Policy).*

[FR Doc. 96-2403 Filed 2-5-96; 8:45 am]

BILLING CODE 4810-25-M

### Office of the Comptroller of the Currency

#### Information Collection Submitted to OMB for Review

**AGENCY:** Office of the Comptroller of the Currency, Treasury.

**ACTION:** Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

**SUMMARY:** In accordance with the requirements of the Paperwork Reduction Act of 1995, the Office of the Comptroller of the Currency (OCC) hereby gives notice that it is sending to the Office of Management and Budget (OMB) a Paperwork Reduction Act Submission regarding an information

collection titled (MA)—Reports of Condition and Income (Interagency Call Report).

**DATES:** Comments on this information collection are welcome and should be submitted by March 7, 1996.

**ADDRESSES:** A copy of the submission may be obtained by calling or writing the OCC contact.

**SUPPLEMENTARY INFORMATION:** In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the OCC is sending to OMB a Paperwork Reduction Act Submission regarding the following information collection:

*Type of Review:* Regular.

*Title:* (MA)—Reports of Condition and Income (Interagency Call Report).

*Description:* Reports of Condition and Income are filed quarterly with the three Federal banking agencies (OCC, Federal Reserve Board (FRB), and the Federal Deposit Insurance Corporation (FDIC)) for their use in monitoring the condition and performance of banks and the industry as a whole. The reports are also used by the FDIC to calculate banks' deposit insurance assessments. On November 16, 1995, the OCC, FRB, and FDIC jointly published a notice in the Federal Register (60 FR 57618) describing in detail the proposed changes to this information collection and inviting comments. All comments received by the agencies were carefully considered in developing the revised forms. This notice provides the public with a further opportunity to obtain, review, and comment on the revised forms.

*Form Number:* FFIEC 031, 032, 033, and 034.

*OMB Number:* 1557-0081.

*Respondents:* Businesses or other for-profit.

*Number of Respondents:* 2,900.

*Total Annual Responses:* 11,600.

*Frequency of Response:* Quarterly.

*Total Annual Burden Hours:* 441,024.

*OMB Reviewer:* Milo Sunderhauf, (202)395-7340, Paperwork Reduction Project 1557-0081, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

*OCC Contact:* John Ference or Jessie Gates, (202)874-5090, Legislative and Regulatory Activities Division (1557-0081), Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

*Comments:* Comments regarding the submission should be addressed to both the OMB reviewer and the OCC contact listed above.

Dated: February 1, 1996.  
 Nancy P. Michaleski,  
*Assistant Director, Legislative & Regulatory  
 Activities Division.*  
 [FR Doc. 96-2459 Filed 2-5-96; 8:45 am]  
 BILLING CODE 4810-33-P

# [Docket No. 96-01]

## Preemption Determination

**AGENCY:** Office of the Comptroller of the Currency, Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Office of the Comptroller of the Currency (OCC) is publishing for comment a written request for OCC reconsideration of its prior determination that Federal law preempts the application of a New Jersey law that requires all depositories in the State which offer regular checking accounts to offer low-cost or consumer checking accounts. It is intended to provide interested persons with an opportunity to provide comments on the preemption request prior to the OCC's issuance of a final opinion letter responding to the request.

**DATES:** Comments should be submitted on or before April 8, 1996.

**ADDRESSES:** Comments should be sent to the Communications Division, 250 E Street, SW., Third Floor, Washington, DC 20219. Attention: Docket No. 96-01. Comments will be available for inspection and photocopying at the same location. Appointments for inspection of comments can be made by calling (202) 874-4700. In addition, comments may be sent by facsimile transmission to FAX number 202-874-5274 or by electronic mail to REG.COMMENTS@OCC.TREAS.GOV.

**FOR FURTHER INFORMATION CONTACT:** Susan L. Blankenheimer, Senior Attorney, Bank Activities and Structure Division (202) 874-5300.

## SUPPLEMENTARY INFORMATION:

### Background

Section 114 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 (section 114), Pub. L. 103-328 (12 U.S.C. 43), generally requires the OCC to publish in the Federal Register a descriptive notice of certain requests that the OCC receives for preemption determinations. The OCC must publish this notice before it issues any opinion letter or interpretive rule concluding that Federal law preempts the application to a national bank of a State law in the areas of community reinvestment, consumer protection, fair lending, or the

establishment of intrastate branches (the four designated areas). The OCC must give interested persons at least 30 days to submit written comments, and must consider the comments in developing the final opinion letter or interpretive rule. The OCC must publish in the Federal Register any final opinion letter or interpretive rule that concludes that Federal law preempts State law in any one of the four designated areas.

Section 114 also provides certain exceptions to the Federal Register publication requirement, however. Notice or comment is not required where the opinion letter or interpretive rule: (1) addresses an issue essentially identical to one previously resolved by the courts or on which the agency has previously issued an opinion letter or interpretive rule; (2) responds to a request that contains no significant legal basis on which to make a preemption determination; or (3) is prepared for use in judicial proceedings, by Congress, or for intragovernmental use.

While it is not clear that the standards of section 114 require that the OCC apply the section 114 notice procedures to this request for reconsideration, the OCC has elected to do so because of the concern raised during Congressional consideration of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 about the particular OCC preemption opinion at issue. See H.R. CONF. REP. NO. 103-651, 103d Cong., 2d Sess. 53-54 (1994).

### Specific Request for OCC Preemption Determination

On November 13, 1995, the State of New Jersey Department of Banking (Department) requested that the OCC reconsider whether New Jersey's Consumer Checking Account Act (NJCCAA), codified at N.J.Stat. Ann. section 17:16N-1 *et seq.*, is preempted by Federal law. In a 1992 letter to the Department, the OCC concluded that the NJCCAA and its implementing regulation, N.J. Admin. Code section 3:1-19.4, are preempted by Federal law and that national banks doing business in New Jersey are not required to comply with any of the provisions of the NJCCAA or its implementing regulation. See Interpretive Letter No. 572 (January 15, 1992), *reprinted in* [1991-1992 Transfer Binder] Fed. Banking L. Rep. (CCH) ¶ 83,342.

The NJCCAA requires every depository institution that maintains regular checking accounts in New Jersey to make available to consumers a New Jersey Consumer Checking Account at all offices of that institution where regular checking accounts are offered or available. N.J. Stat. Ann. section

17:16N-3.a.<sup>1</sup> The NJCCAA does not require a depository institution to offer a New Jersey Consumer Checking Account at a cost below its actual cost of providing the account. The NJCCAA's implementing regulation sets forth procedures for closing or refusing to open a New Jersey Consumer Checking Account if a depository institution's fees and revenues derived from the account are less than its costs. N.J. Admin. Code section 3:1-19.4.

The principal features of a New Jersey Consumer Checking Account, as set forth in the regulation (N.J. Admin. Code § 3:1-19.2(a)), include the following:

1. The initial deposit amount necessary to open the account is \$50.00 and the minimum balance necessary to maintain the account is \$1.00;

2. The customer may make at least eight free withdrawals from the account by check within a periodic cycle (for each transaction in excess of this number, the regulation imposes a maximum charge of \$0.50);

3. The customer may make an unlimited number of free deposits and withdrawals using deposit and withdrawal slips;

4. The amount that may be charged per periodic cycle for maintaining the account may not exceed \$3.00 per periodic cycle; and

5. A customer may not be charged for printing checks an amount greater than that charged for regular checking account holders. In addition, the depository institution may charge fees for automated teller machine (ATM) usage and banking services if the fees are the same as those for regular checking account holders for the same services.

The NJCCAA further provides, in general, that a depository institution may not discriminate against the holder of a New Jersey Consumer Checking Account by furnishing fewer mail or electronic banking services, or assessing higher fees, compared to the services furnished to or fees assessed against regular checking account holders. NJCCAA section 3.f. Section 3.h of the NJCCAA and section 3:1-19.4(a) of the regulation set forth the limited conditions (including fraud and a record of unpaid checks) under which a depository institution may close or refuse to open a New Jersey Consumer Checking Account for a customer.

The NJCCAA also prohibits a depository institution from requiring that a holder of a New Jersey Consumer

<sup>1</sup> The term depository institution is defined to include national banks doing business in New Jersey. *Id.* at section 2.



Checking Account have another account or a credit card at that or any other depository institution as a condition to opening or maintaining the New Jersey Consumer Checking Account. NJCCAA section 3.i. Section 5 of the NJCCAA prescribes requirements for providing public notice of the availability and features of a depository institution's New Jersey Consumer Checking Account. Section 6 of the NJCCAA provides a private right of action for violations of the NJCCAA, including injunctive relief, and monetary damages. Finally, section 7 of the NJCCAA gives the New Jersey Commissioner of Banking administrative enforcement powers over institutions which fail to comply with the NJCCAA or any of the Commissioner's regulations or orders thereunder. These powers include the authority to issue a cease and desist order and assess a civil money penalty.

The purpose of the Bank Enterprise Act is to provide Federally insured depository institutions (including national banks) with an incentive (e.g., a reduced Federal deposit insurance rate for deposits attributable to lifeline accounts) to offer lifeline accounts,<sup>2</sup> and to make loans and provide other financial assistance in distressed communities. The term lifeline account is defined in section 232 of the BEA (12 U.S.C. 1834) as a transaction account which meets certain minimum requirements. The BEA does not, however, require depository institutions to offer these lifeline accounts; that decision is left to individual depository institutions.

The Interpretive Letter No. 572 noted that the factors established in section 232 of the BEA (12 U.S.C. 1834) for the purpose of determining whether a transaction account qualifies as a lifeline account eligible for reduced Federal deposit insurance assessment rate are virtually identical to those listed in the NJCCAA for the purpose of determining whether an account qualifies as a New Jersey Consumer Checking Account. The Letter concluded, among other things, that

since the NJCCAA *requires* Federally insured depository institutions doing business in New Jersey to offer lifeline accounts, the NJCCAA is in direct conflict with a Federal statute, the BEA, set forth in Title II, Subtitle C of the Federal Deposit Insurance Corporation Improvement Act of 1991, Pub. L. No. 102-242, 105 Stat. 2236 (FDICIA), (12 U.S.C. 1834), which expressly makes the offering of such accounts *voluntary*. Although Interpretive Letter No. 572 recognized that both Congress and the New Jersey legislature saw the benefits of widespread use of lifeline accounts, it concluded that under Federal preemption principles, the State's method must yield in the face of a directly contrary Federal treatment of this issue.

The Department's position is that the BEA does not preempt the NJCCAA, since the two laws are not in conflict. The Department states that the philosophy of the NJCCAA, to provide basic checking services to those in need of them, is consistent with that of the BEA. The Department asserts that it is unlikely that Congress intended to preclude individual states from requiring depository institutions to provide basic checking services to those in need. The Department also states that Interpretive Letter No. 572 did not fully consider applicable case law in the area of preemption, citing for example, the case of *Best v. United States National Bank of Oregon*, 303 Or. 557, 739 P. 2d 554 (1987).

#### Request for Comments

The OCC requests comments on all aspects of the request for reconsideration of OCC's prior determination that the application of New Jersey law to national banks is preempted by Federal law. Comments should be submitted to the docket number and address indicated in the ADDRESSES paragraph of this document. The OCC will carefully consider any comments received and publish its final determination in response to the request.

Dated: January 22, 1996.

Eugene A. Ludwig,

*Comptroller of the Currency.*

[FR Doc. 96-2387 Filed 2-5-96; 8:45 am]

BILLING CODE 4810-33-P

#### Bureau of the Public Debt

##### Proposed Agency Information Collection Activities: Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Payroll Savings Report.

**DATES:** Written comments should be received on or before April 8, 1996, to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of the Public Debt, Vicki S. Ott, 200 Third Street, Parkersburg, WV 26106-1328.

**FOR FURTHER INFORMATION CONTACT:** Vicki S. Ott, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106-1328, (304) 480-6553.

##### SUPPLEMENTARY INFORMATION:

*Title:* Payroll Savings Report.

*OMB Number:* 1535-0001.

*Form Number:* SB-60 and SB-60A.

*Abstract:* The information is requested as a measure of the effectiveness of the payroll savings program.

*Current Actions:* None.

*Type of Review:* Extension.

*Affected Public:* Businesses.

*Estimated Number of Respondents:* 25,910.

*Estimated Time Per Respondent:* 41 minutes.

*Estimated Total Annual Burden Hours:* 17,871.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection request.

Dated: January 31, 1996.

Vicki S. Ott,

*Manager, Forms Management Branch.*

[FR Doc. 96-2470 Filed 2-5-96; 8:45 am]

BILLING CODE 4810-39-P

<sup>2</sup> Appropriations are required, however, to implement this and other provisions of the BEA. Funds for the BEA have not yet been appropriated, and the only funding that has been made available to date is for a program based on the BEA that is administered by the Administrator of the Community Development Financial Institutions Fund (Administrator). See Appropriations Act for FY 1995, Pub. L. No. 104-19, 109 Stat. 237 (July 27, 1995). The Administrator is precluded by law, however, from using the amount of the deposit insurance assessment as an incentive to participate in the program. Riegle Community Development and Regulatory Improvement Act of 1994, Pub. L. No. 103-325, section 114, 108 Stat. 2179 (Sept. 23, 1994) (12 U.S.C. 4713).



### Proposed Agency Information Collection Activities: Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Stop Payment/Replacement Check Request.

**DATES:** Written comments should be received on or before April 8, 1996, to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of the Public Debt, Vicki S. Ott, 200 Third Street, Parkersburg, WV 26106-1328.

**FOR FURTHER INFORMATION CONTACT:** Vicki S. Ott, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106-1328, (304) 480-6553.

#### SUPPLEMENTARY INFORMATION:

*Title:* Stop Payment/Replacement Check Request.

*OMB Number:* 1535-0070.

*Form Number:* PD F 5192

*Abstract:* The information is requested to place a stop payment on a Treasury Direct check and request a replacement check.

*Current Actions:* None

*Type of Review:* Extension

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 500

*Estimated Time Per Respondent:* 15 minutes.

*Estimated Total Annual Burden Hours:* 125

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection request.

Dated: January 31, 1996.

Vicki S. Ott,

*Manager, Forms Management Branch.*

[FR Doc. 96-2469 Filed 2-5-96; 8:45 am]

BILLING CODE 4810-39-P

### Proposed Agency Information Collection Activities: Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Release.

**DATES:** Written comments should be received on or before April 8, 1996, to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of the Public Debt, Vicki S. Ott, 200 Third Street, Parkersburg, WV 26106-1328.

**FOR FURTHER INFORMATION CONTACT:** Vicki S. Ott, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106-1328, (304) 480-6553.

#### SUPPLEMENTARY INFORMATION:

*Title:* Release.

*OMB Number:* 1535-0114.

*Form Number:* PD F 2001.

*Abstract:* The information is requested to ratify payment of savings bonds/notes and release the United States of America from any liability.

*Current Actions:* None.

*Type of Review:* Extension.

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 200.

*Estimated Time Per Respondent:* 6 minutes.

*Estimated Total Annual Burden Hours:* 20.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden including the use of automated collection techniques or the use of other forms of information technology, as well

as other relevant aspects of the information collection request.

Dated: January 31, 1996.

Vicki S. Ott,

*Manager, Forms Management Branch.*

[FR Doc. 96-2468 Filed 2-5-96; 8:45 am]

BILLING CODE 4810-39-P

### Proposed Agency Information Collection Activities: Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Disclaimer and Consent with Respect to United States Savings Bonds/Notes.

**DATES:** Written comments should be received on or before April 8, 1996, to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of the Public Debt, Vicki S. Ott, 200 Third Street, Parkersburg, WV 26106-1328.

**FOR FURTHER INFORMATION CONTACT:** Vicki S. Ott, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106-1328, (304) 480-6553.

#### SUPPLEMENTARY INFORMATION:

*Title:* Disclaimer and Consent with Respect to United States Savings Bonds/Notes.

*OMB Number:* 1535-0113.

*Form Number:* PD F 1849.

*Abstract:* The information is requested when the requested savings bonds/notes transaction would appear to affect the right, title or interest of some other person.

*Current Actions:* None.

*Type of Review:* Extension.

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 7,000.

*Estimated Time Per Respondent:* 6 minutes.

*Estimated Total Annual Burden Hours:* 700.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All

comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection request.

Dated: January 31, 1996.

Vicki S. Ott,

*Manager, Forms Management Branch.*

[FR Doc. 96-2467 Filed 2-5-96; 8:45 am]

BILLING CODE 4810-39-P

### **Proposed Agency Information Collection Activities: Comment Request**

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Special Form of Assignment for U.S. Registered Definitive Securities.

**DATES:** Written comments should be received on or before April 8, 1996, to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of the Public Debt, Vicki S. Ott, 200 Third Street, Parkersburg, WV 26106-1328.

**FOR FURTHER INFORMATION CONTACT:** Vicki S. Ott, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106-1328, (304) 480-6553.

#### **SUPPLEMENTARY INFORMATION:**

*Title:* Special Form of Assignment for U.S. Registered Securities.

*OMB Number:* 1535-0059.

*Form Number:* PD F 1832.

*Abstract:* The information is requested to complete transaction involving the assignment of U.S. Registered Definitive Securities.

*Current Actions:* None.

*Type of Review:* Extension.

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 10,000.

*Estimated Time Per Respondent:* 15 minutes.

*Estimated Total Annual Burden Hours:* 2,500.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection request.

Dated: January 31, 1996.

Vicki S. Ott,

*Manager, Forms Management Branch.*

[FR Doc. 96-2466 Filed 2-5-96; 8:45 am]

BILLING CODE 4810-39-P

### **Office of Thrift Supervision**

[AC-10; OTS No. 04088]

#### **First Federal Savings Bank of Dover, Dover, Ohio; Approval of Conversion Application**

Notice is hereby given that on January 26, 1996, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of First Federal Savings Bank of Dover, Dover, Ohio, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 200 West Madison Street, Suite 1300, Chicago, Illinois 60606.

Dated: January 31, 1996.

By the Office of Thrift Supervision.

Nadine Y. Washington,

*Corporate Secretary.*

[FR Doc. 96-2397 Filed 2-5-96; 8:45 am]

BILLING CODE 6720-01-P

[AC-09; OTS No. 05003]

#### **South Bergen Savings Bank, Wood-Ridge, New Jersey; Approval of Conversion Application**

Notice is hereby given that on January 25, 1996, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of South Bergen Savings Bank, Wood-Ridge, New Jersey, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift

Supervision, 1700 G Street, NW., Washington, DC 20552, and the Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Place, 18th Floor, Jersey City, New Jersey 07302.

Dated: January 31, 1996.

By the Office of Thrift Supervision.

Nadine Y. Washington,

*Corporate Secretary.*

[FR Doc. 96-2396 Filed 2-5-96; 8:45 am]

BILLING CODE 6720-01-P

[AC-08; OTS No. 03903]

#### **Buffalo Federal Savings and Loan Association, Buffalo, Wyoming; Approval of Conversion Application**

Notice is hereby given that on January 25, 1996, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Buffalo Federal Savings and Loan Association, Buffalo, Wyoming, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the West Regional Office, Office of Thrift Supervision, 1 Montgomery Street, Suite 400, San Francisco, California 94104.

Dated: January 31, 1996.

By the Office of Thrift Supervision.

Nadine Y. Washington,

*Corporate Secretary.*

[FR Doc. 96-2395 Filed 2-5-96; 8:45 am]

BILLING CODE 6720-01-P

[AC-07; OTS No. 03125]

#### **Lawrenceville Federal Savings and Loan Association, Lawrenceville, Illinois; Approval of Conversion Application**

Notice is hereby given that on January 24, 1996, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Lawrenceville Federal Savings and Loan Association, Lawrenceville, Illinois, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Central Regional Office, Office of Thrift Supervision, 200 West Madison Street, Suite 1300, Chicago, Illinois 60606.

Dated: January 31, 1996.

By the Office of Thrift Supervision.  
Nadine Y. Washington,  
*Corporate Secretary.*  
[FR Doc. 96-2394 Filed 2-5-96; 8:45 am]  
BILLING CODE 6720-01-P

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## DEPARTMENT OF VETERANS AFFAIRS

### Veterans' Claims Adjudication Commission; Notice of Meeting

The Department of Veterans Affairs (VA), in accordance with Public Law 92-463, gives notice that the Veterans' Claims Adjudication Commission will meet on February 8, 1996, in the Captain's Room at the Channel Inn, 650 Water Street S.W., (ground floor), Washington, D.C., From 9:00 a.m. to 4:30 p.m. On February 9, the Commission will tentatively meet from 9:00 a.m. to 12 noon at the Disabled American Veterans National Headquarters, 807 Maine Avenue S.W., Washington, D.C. (across the street from the Channel Inn). Please call the Commission's office at 202-275-2142 to confirm the meeting on Friday, February 9.

On the morning of February 8, the Commission will review and discuss potential new areas of pursuit with respect to the Commission's continued study of the Department of Veterans Affairs system for the disposition of claims for veterans benefits, suggested by the House and Senate Committees on Veterans' Affairs, and the Under Secretary for Benefits, Department of Veterans Affairs. Following lunch, the Commission will discuss certain "Thought Papers" for potential new areas of pursuit including:

- Analysis of certain statistics provided by the Chief Judge, U.S. Court of Veterans Appeals relating to decisions of the court.
- Potential transportability of certain processing policies or procedures from the Department of Labor, the Social Security Administration, or the private insurance industry to VA.
- Review of the quality of compensation and pension medical examinations provided by the Veterans Health Administration.
- Exploration of potential changes in the nature of compensation/managing compensation like an indemnity fund.

- The relationship between non service-connected disability pension and Social Security benefits.

Later in the afternoon, each Commissioner will identify area(s) of pursuit for which they will take responsibility.

The meeting is open to the public; however, no specific amount of time is allocated for the purpose of receiving oral presentations from the public. The Commission will accept appropriate written comments from interested parties on the subject matter addressed during the meeting. Such comments may be referred to the Commission at the following address: Veterans' Claims Adjudication Commission (20C), U.S. Department of Veterans Affairs, 810 Vermont Ave., N.W., Washington, D.C. 20420.

Additional information concerning this meeting may be obtained by contacting the Commission at (202)275-2142.

Dated: January 30, 1996.

By Direction of the Secretary:  
Heyward Bannister,  
*Committee Management Officer.*

[FR Doc. 96-2401 Filed 2-5-96; 8:45 am]  
BILLING CODE 8320-01-M

# Sunshine Act Meetings

Federal Register

Vol. 61, No. 25

Tuesday, February 6, 1996

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 10:00 a.m., Thursday, February 15, 1996.

**PLACE:** 1155 21st St., N.W., Washington, D.C. 9th Fl. Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Enforcement matters.

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 202-418-5100.

Jean A. Webb,

*Secretary of the Commission.*

[FR Doc. 96-2610 Filed 2-6-96; 8:45 am]

**BILLING CODE** 6351-01-M

## COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 10:00 a.m., Thursday, February 29, 1996.

**PLACE:** 1155 21st St., N.W., Washington, D.C., 9th Fl. Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Enforcement matters.

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 202-418-5100.

Jean A. Webb,

*Secretary of the Commission.*

[FR Doc. 96-2611 Filed 2-2-96; 11:30 am]

**BILLING CODE** 6351-01-M

## FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting Thursday, February 8, 1996

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, February 8, 1996, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

*Item No., Bureau, Subject*

- 1—Office of Plans and Policy—Title: In the Matter of Improving Commission Processes. Summary: The Commission will consider action to improve its procedures, streamline processes, and reduce unnecessary regulatory burdens.
- 2—Wireless Telecommunications—Title: Reorganization and Re-vision of

Parts 1, 2, 21 and 94 of the Commission's Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services (WT Docket No. 94-148); Amendment of Part 21 of the Commission's Rules for the Domestic Public Fixed Services (CC Docket No. 93-2); and McCaw Cellular Communications, Inc. Petition for Rulemaking (RM-7861). Summary: The Commission will consider action simplifying and consolidating rules governing terrestrial microwave fixed radio services.

- 3—Wireless Telecommunications—Title: Revision of Parts 22 and 90 of the Commission's Rules to Facilitate Future Development of Paging Systems. Summary: The Commission will consider action to streamline licensing procedures for the paging industry, including proposals to establish symmetry between our common carrier and private carrier paging rules.
- 4—Mass Media—Title: In the Matter of EEO Streamlining Proposals, and Amendment of Section 1.80 of the Commission's Rules. Summary: The Commission will consider action to streamline and revise the enforcement of its Broadcast Equal Employment Opportunity (EEO) Rule and policies.
- 5—Mass Media—Title: Transfer of Control of Broadcast Licenses from Capital Cities/ABC, Inc. Summary: The Commission will consider the transfer of control of Capital Cities/ABC, Inc. to The Walt Disney Company.

Additional information concerning this meeting may be obtained from Audrey Spivack or Maureen Peratino, Office of Public Affairs, telephone number (202) 418-0500.

Dated February 1, 1996.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

[FR Doc. 96-2614 Filed 2-2-96; 11:58 am]

**BILLING CODE** 6712-01-F

## FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:00 a.m. on Tuesday, January 30,

1996, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following matters:

Matters relating to the Corporation's corporate and supervisory activities.

Recommendation regarding the liquidation of a depository institution's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum re: Gibraltar Savings Association, Houston, Texas (Case No. 450-07702-95-BOD)

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), concurred in by Mr. Stephen R. Steinbrink, acting in the place and stead of Director Eugene A. Ludwig (Comptroller of the Currency), Director Joseph H. Neely (Appointive), and Chairman Ricki Helfer, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Dated: February 1, 1996.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

*Deputy Executive Secretary.*

[FR Doc. 96-2566 Filed 2-1-96; 4:51 pm]

**BILLING CODE** 6714-01-M

## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**TIME AND DATE:** 10:00 a.m., Friday, February 9, 1996.

**PLACE:** Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

**STATUS:** Open and Closed [Pursuant to 5 U.S.C. § 552b(c)(10)].

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following in open session:

1. *Mechanicsville Concrete, Inc. t/a Materials Delivery.*, Docket No. VA 93-145-M. (Issues include whether the judge had the authority to determine *sua sponte* that Mechanicsville's violation was S&S.)

Following the open meeting on *Mechanicsville Concrete, Inc. t/a Materials Delivery.*, the Commission will consider and act upon the following in closed session:

1. *Lion Mining Co.*, Docket No. PENN 94-71 (Issues include whether the judge erred in determining that the violation was not S&S.)

**CONTACT PERSON FOR MORE INFORMATION:** Jean Ellen (202) 653-5629 / (202) 708-9300 for TDD Relay / 1-800-877-8339 for toll free.

Dated: February 1, 1996.

Jean H. Ellen,  
Chief Docket Clerk.

[FR Doc. 96-2654 Filed 2-2-96; 3:06 pm]

BILLING CODE 6735-01-M

#### BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** Forwarded to the Federal Register on January 31, 1996.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 10:00 a.m., Wednesday, February 7, 1996.

**CHANGES IN THE MEETING:** The Open Meeting Has Been Canceled.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: February 2, 1996.

Jennifer J. Johnson,  
Deputy Secretary of the Board.

[FR Doc. 96-2612 Filed 2-2-96; 11:30 am]

BILLING CODE 6210-01-P

#### BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

**TIME AND DATE:** 11:00 a.m., Monday, February 12, 1996.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 2, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-2668 Filed 2-2-96; 3:06 pm]

BILLING CODE 6210-01-P

#### NUCLEAR REGULATORY COMMISSION

**DATE:** Weeks of February 5, 12, 19, and 26, 1996.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public.

#### MATTERS TO BE CONSIDERED:

Week of February 5

Wednesday, February 7

10:00 a.m.

Briefing on System Reliability Studies  
(Public Meeting)

(Contact: Patrick Baranowsky, 301-415-7493)

Week of February 12—Tentative

There are no meetings scheduled for the Week of February 12.

Week of February 19—Tentative

There are no meetings scheduled for the Week of February 19.

Week of February 26—Tentative

Monday, February 26

10:00 a.m.

Briefing by Organization of Agreement  
States (Public Meeting)

Contact: Kathy Schneider, 301-415-2320)

Tuesday, February 27

10:00 a.m.

Briefing by Staff on Steam Generator Issues  
(Public Meeting)

2:00 p.m.

Briefing by National Academy of Sciences  
on Review of Medical Use Program  
(Public Meeting)

(Contact: Trish Holahan, 301-415-7847)

Wednesday, February 28

9:30 a.m.

Briefing by NARUC on Utility Deregulation  
(Public Meeting)

Contact: Spiros Droggitis, 301-415-2367)

Note: The Nuclear Regulatory Commission is operating under a delegation of authority to Chairman Shirley Ann Jackson, because

with three vacancies on the Commission, it is temporarily without a quorum. As a legal matter, therefore, the Sunshine Act does not apply; but in the interests of openness and public accountability, the Commission will conduct business as though the Sunshine Act were applicable.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (Recording)—(301) 415-1292.

**CONTACT PERSON FOR MORE INFORMATION:** Bill Hill, (301) 415-1661.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, DC 20555 (301-415-1963).

In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to [alb@nrc.gov](mailto:alb@nrc.gov) or [gkt@nrc.gov](mailto:gkt@nrc.gov).

Dated: February 1, 1996.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 96-2609 Filed 2-2-96; 11:30 am]

BILLING CODE 7590-01-M

#### SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** [60 FR, 1996].

**STATUS:** Open meeting.

**PLACE:** 450 Fifth Street, N.W., Washington, D.C.

**DATE PREVIOUSLY ANNOUNCED:** January 29, 1996.

**CHANGE IN THE MEETING:** Cancellation.

The open meeting scheduled for Monday, February 5, 1996, at 11:30 a.m., has been cancelled.

Commissioner Wallman, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary (202) 942-7070.

Dated: February 1, 1996.

Jonathan G. Katz,  
Secretary.

[FR Doc. 96-2546 Filed 2-1-96; 4:11 pm]

BILLING CODE 8010-01-M

Executive Order

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Tuesday  
February 6, 1996

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**Part II**

**Office of  
Management and  
Budget**

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**Economic Classification Policy  
Committee: Standard Industrial  
Classification Replacement—The North  
American Industry Classification System  
Proposed Industry Classification  
Structure; Notice**

## OFFICE OF MANAGEMENT AND BUDGET

### Economic Classification Policy Committee: Standard Industrial Classification Replacement—The North American Industry Classification System Proposed Industry Classification Structure

**AGENCY:** Office of Management and Budget, Executive Office of the President.

**ACTION:** Notice of solicitation of comments for North American Industry Classification System industries.

**SUMMARY:** Under Title 44 U.S.C. 3504, the Office of Management and Budget (OMB) is seeking public comment on a series of notices documenting the development of the new North American Industry Classification System (NAICS), the industry classification system being proposed to replace the current Standard Industrial Classification (SIC) system. All Federal agencies that collect establishment-based data are expected to utilize the new system.

This notice, the fourth related to preparation of NAICS and the second in a series seeking comment on proposed industry structures, presents the proposed industry structure for the NAICS subsectors listed in the Supplementary Information section below.

OMB is seeking comments on the usefulness and advisability of the proposed new NAICS subsectors submitted by the Economic Classification Policy Committee (ECPC), an interagency committee established by OMB. Subsequent Federal Register notices will seek comment on other industry sector and subsector proposals. A final Federal Register notice will include the entire NAICS structure for public comment. NAICS is being developed in cooperation with Statistics Canada and Mexico's Instituto Nacional de Estadística, Geografía e Informática (INEGI). The new NAICS system provides common industry definitions for Canada, Mexico, and the United States to facilitate economic analyses that cover the economies of the three North American countries. The three country collaboration on an industry classification system for North America was announced for public comment in the Federal Register, July 26, 1994, pp. 38092–38096.

The July 26, 1994, Federal Register notice includes the concepts for the new system, as developed by Statistics Canada, Mexico's INEGI, and ECPC. It also includes a copy of the joint

statement of the three countries' statistical agencies regarding the development of NAICS. That agreement includes the following principles:

(1) NAICS will be erected on a production-oriented, or supply-based, conceptual framework. This means that producing units that use identical or similar production processes will be grouped together in NAICS.

(2) The system will give special attention to developing production-oriented classifications for (a) new and emerging industries, (b) service industries in general, and (c) industries engaged in the production of advanced technologies.

(3) Time series continuity will be maintained to the extent possible. However, changes in the economy and proposals from data users must be considered. In addition, adjustments will be required for sectors where the United States, Canada, and Mexico presently have incompatible industry classification definitions in order to produce a common industry system for all three North American countries.

(4) The system will strive for compatibility with the 2-digit level of the International Standard Industrial Classification of All Economic Activities (ISIC, Rev. 3) of the United Nations.

ECPC Report No. 3—Summary of Public Responses to the Proposed New North American Industry Classification Industry System provides a summary of public comments received in response to the July 26, 1994, Federal Register notice.

A notice was published in the Federal Register, July 26, 1995, pp. 38436–38452, requesting comment on proposed industry structures for petroleum and coal product manufacturing, chemical manufacturing, and rubber and plastic manufacturing; for broadcasting and telecommunications; and for food services and drinking places and accommodations.

**DATES:** To ensure consideration and response to all comments on the proposals set forth in this notice, comments must be in writing and should be submitted as soon as possible, but no later than April 8, 1996. The proposed industry system would become effective in the U.S. on January 1, 1997.

**ADDRESSES:** Correspondence about the industry proposals of the NAICS structure announced in this Federal Register notice should be sent to: Carole A. Ambler, Coordinator, Economic Classification Policy Committee, Bureau of the Census, U.S. Department of Commerce, Room 2633–3, Washington, DC 20233, telephone number: (301)

457–2668, FAX number: (301) 457–1343.

Copies of all ECPC issues papers and ECPC reports are available by contacting Jack E. Triplett, Chairman, Economic Classification Policy Committee, Bureau of Economic Analysis (BE–42), U.S. Department of Commerce, Washington, DC 20230, telephone number: (202) 606–9615, FAX number: (202) 606–5311.

#### ELECTRONIC AVAILABILITY AND COMMENTS:

This document is available on the Internet from the Census Bureau via WWW browser, ftp, and E-mail.

To obtain this document via WWW browser, connect to "http://www.census.gov" then select "Economy," then select "Economy-Wide Programs," then select "NAICS Documents."

To obtain this document via ftp, log in to ftp.census.gov as anonymous, and retrieve the file "prop01.txt" from the "/pub/epcd/naics" directory. (That directory also contains previous NAICS Federal Register Notices and related documents.)

To obtain this document via Internet E-mail, send a message to majordomo@census.gov with the body text as follows: "get gatekeeper prop01.txt". The document will be delivered as a message attachment.

Comments may be sent via Internet E-mail to the Census Bureau at naics@census.gov (do not include any capital letters in the address). Comments received at this address by the date specified above will be included as part of the official record.

#### FOR FURTHER INFORMATION CONTACT:

Carole A. Ambler, Coordinator, Economic Classification Policy Committee, Bureau of the Census, U.S. Department of Commerce, Room 2633–3, Washington, DC 20233, telephone number: (301) 457–2668, FAX number: (301) 457–1343.

#### SUPPLEMENTARY INFORMATION:

##### Structure of Notice

There are seven parts to this notice. PART I includes the proposals for crop production, animal production, forestry and logging, fishing, hunting and trapping, and support activities for agriculture; PART II includes textile mills, textile product mills, apparel manufacturing, and leather and allied product manufacturing; PART III includes food and kindred product manufacturing and beverage and tobacco product manufacturing; PART IV includes fabricated metal product manufacturing; PART V includes machinery manufacturing; PART VI includes electrical equipment,

appliance, and component manufacturing; PART VII includes transportation equipment manufacturing.

Each of the seven parts of the notice is organized into two sections. The first section includes a copy of the proposed agreement signed by ECPC, Statistics Canada, and INEGI; the structure of NAICS; and an explanation of the structure. For a number of reasons, NAICS industries do not always provide as much industry detail as has been present in the U.S. SIC. Each country may add additional detailed industries, below the 4-digit level of NAICS, as necessary to meet national needs, so long as this additional detail aggregates to a 4-digit NAICS level in order to ensure full comparability among the three countries. The second section of the notice includes the U.S. detailed industries within NAICS and two comparison tables showing the differences between the 1987 SIC and the 1997 NAICS with United States detail.

NAICS is organized in a hierarchical structure much like the existing SIC. The first digit of a NAICS code designates the sector. The code also designates 2-digit subsectors, 3-digit industry groups, and 4-digit industries. Each country may add additional detailed industries, below the 4-digit level of NAICS, as necessary to meet national needs, so long as this additional detail aggregates to a 4-digit NAICS level in order to ensure full comparability among the three countries. The proposed United States NAICS system, for example, would include 5-digit industries. These represent important industries in the U.S. that cannot be recognized in the statistical systems of either Canada or Mexico because of size restrictions, confidentiality or other reasons.

The NAICS numbering system is still under development; therefore the hierarchical structure is displayed in this document with X's representing the following:

X Industry Sector  
XX Industry Subsector  
XXX Industry Group  
XXXX Industry  
XXXXX U.S. National Industry

The terms "Industry Sector" and "Industry Subsector" are changes from the terms "Division" and "Major Group" used in the 1987 SIC manual.

#### Time Series Summary

The standard approach to preserving time series continuity after classification revisions is to create linkages where the series break. This is accomplished by

producing the data series using both the old and new classifications for a given period of transition. With the dual classifications of data, the full impact of the revision can be assessed. Data producers then may measure the reallocation of the data at aggregate industry levels and develop a concordance between the new and old series for that given point in time. The concordance creates a crosswalk between the old and new classification systems. This link between the 1987 U.S. SIC and NAICS (with U.S. national detail) will be developed by the statistical agencies in the U.S.

#### Outreach Activities

OMB and the Economic Classification Policy Committee (ECPC) are seeking comments on the proposed NAICS structure for the industries described in this notice.

In carrying out its mandate to ensure maximum public participation in the process of constructing NAICS, the ECPC has already discussed many of these industry proposals with industry and user groups and will continue to do so. In addition, the ECPC is replying on a flow basis as soon as the work is completed for industry subsectors to previous Federal Register notices. Thus, this Federal Register notice supplements other ECPC public outreach activities in the development of NAICS.

Part I—Proposed New Industry Structure for Crop Production; Animal Production; Forestry and Logging; Fishing, Hunting, and Trapping; and Support Activities for Agriculture and Forestry

#### Section A—NAICS Structure

North American Industry Classification System (NAICS)  
Agreement Number 4

This Document represents the proposed agreement on the structure of the North American Industry Classification System (NAICS) for the following industries:

Crop Production  
Animal Production  
Forestry and Logging  
Fishing, Hunting, and Trapping  
Support Activities for Agriculture and Forestry

The detailed NAICS structure along with a brief description of the structure is attached (Attachments 1 and 2). Each country agrees to release a copy of the proposed NAICS structure to interested data users. Comments received will be shared among the countries and additional discussions will be held

before a final decision on the structure is made. Each country may add additional detailed industries, below the 4-digit level of NAICS, as necessary to meet national needs, so long as this additional detail aggregates to a 4-digit NAICS level in order to ensure full comparability among the three countries. This NAICS structure was presented and provisionally accepted at the NAICS Committee meeting held on August 30, 1995—September 1, 1995 in Washington, DC.

Accepted:	Signature	Date
Canada .....	/S/ Jacob Ryten.	9/1/95
Mexico .....	/S/ Enrique Ordaz.	9/1/95
United States ..	/S/ Jack E. Triplett.	9/1/95

#### Attachment 1—NAICS Structure

XX Crop Production  
XXX Grain and Oilseed Farming  
XXXX Wheat Farming  
XXXX Corn Farming  
XXXX Rice Farming  
XXXX Other Grain Farming  
XXXX Soybean Farming  
XXXX Oilseed Farming, except Soybean Farming  
XXXX Dry Pea and Bean Farming  
XXX Root, Tuber, and Peanut Farming  
XXXX Potato Farming  
XXXX Peanut and Other Root and Tuber Farming  
XXX Vegetable and Melon Farming  
XXXX Vegetable and Melon Farming  
XXX Tree Nut and Fruit Farming  
XXXX Orange Groves  
XXXX Other Citrus Groves  
XXXX Tree Nut and Noncitrus Fruit Farming  
XXX Greenhouse, Nursery, and Floriculture Production  
XXXX Food Crops Grown Under Cover  
XXXX Nursery and Floriculture Production  
XXX Other Crop Farming  
XXXX Tobacco Farming  
XXXX Cotton Farming  
XXXX Sugarcane Farming  
XXXX Hay Farming  
XXXX All Other Crop Farming  
XX Animal Production  
XXX Cattle Ranching and Farming  
XXXX Beef Cattle Ranching and Farming, Including Feedlots  
XXXX Dairy Cattle and Milk Production  
XXXX Dual-Purpose Cattle Ranching and Farming  
XXX Hog and Pig Farming  
XXXX Hog and Pig Farming  
XXX Poultry Production  
XXXX Chicken Egg Production  
XXXX Broiler and Other Meat-Type Chicken Production  
XXXX Turkey Production  
XXXX Poultry Hatcheries and Other Poultry Production  
XXX Sheep and Goat Farming  
XXXX Sheep Farming  
XXXX Goat Farming



XXX Animal Aquaculture  
 XXXX Animal Aquaculture  
 XXX Other Animal Production  
 XXXX Apiculture  
 XXXX Horses and Other Equine Production  
 XXXX Fur-Bearing Animal and Rabbit  
     Production  
 XXXX All Other Animal Production  
 XX Forestry and Logging  
 XXX Timber Tract Operations  
 XXXX Timber Tract Operations  
 XXX Forest Nurseries and Gathering of  
     Forest Products  
 XXXX Forest Nurseries and Gathering of  
     Forest Products  
 XXX Logging  
 XXXX Logging  
 XX Fishing, Hunting, and Trapping  
 XXX Fishing  
 XXXX Fishing  
 XXX Hunting and Trapping  
 XXXX Hunting and Trapping  
 XX Support Activities for Agriculture And  
     Forestry  
 XXX Support Activities for Crop  
     Production  
 XXXX Support Activities for Crop  
     Production  
 XXX Support Activities for Animal  
     Production  
 XXXX Support Activities for Animal  
     Production  
 XXX Support Activities for Forestry  
 XXXX Support Activities for Forestry

#### Attachment 2—North American Industry Classification System

##### Draft Classification for:

Crop Production  
 Animal Production  
 Forestry and Logging  
 Fishing, Hunting, and Trapping  
 Support Activities for Agriculture and  
     Forestry

Representatives of the statistical agencies of Canada, Mexico, and the United States agree to a draft industry classification for these industries.

The draft classification applies to the five subsectors, Crop Production; Animal Production; Forestry and Logging; Fishing, Hunting, and Trapping; and Support Activities for Agriculture and Forestry. These subsectors are sub-divided into twenty industry groups and forty-three industries. The subsectors are part of the Agriculture, Forestry, Fishing, Hunting, and Trapping sector of the classification.

##### A General Outline

The Crop Production industries involve growing crops mainly for food and fiber. The industries are grouped by similarity of production activity, biological and physiological characteristics, and economic requirements. The length of growing season, degree of crop rotation, extent of input specialization, labor requirements, and capital demands were taken into

account when developing the industry structure. The production process is typically completed when the raw product or commodity grown reaches the "farm gate" for market or point of first sale or price determination.

The subsector Animal Production involves raising animals. These animals are kept for eventual sale and gain in product value. The animals may be raised in various environments, from total confinement or captivity to controlled grazing on open range pasture.

The Forestry and Logging subsector involves timber tract and other forest operations. A distinction has been made for the length of the production cycle for wood products. The production of short rotation woody crops such as cut Christmas trees and cottonwoods for pulpwood are considered to be agricultural crop production, and so have been placed in Nursery and Floriculture Production. The typical life cycle of this process is ten years or less. On the other hand, timber production often requires fifty years.

The Fishing, Hunting, and Trapping subsector includes establishments engaged in the harvesting of animals in a natural habitat. Activities involving the raising of animals in captivity for eventual sale or market are classified in Animal Production, e.g., Animal Aquaculture, Fur-bearing Animal and Rabbit Production, and so forth.

The Support Activities for Agriculture and Forestry include activities that support growing crops, raising animals and producing forest products. These activities are in a separate agricultural, forestry, fishing, hunting, and trapping subsector. These establishments provide an alternative source of inputs required for the production process for a given crop, animal, or forestry industry.

##### *Limitations and Constraints of the Classification*

There are some analytical needs that cannot be met by an industry classification. There are needs for information on the total production of various agriculture commodities. However, because of vertical integration and multiple activities occurring at a single farm, an industry classification system will not provide this information. For example, wine-making establishments that produce their own grapes will be included in the Wines, Brandy and Brandy Spirits industry not the Tree Nut and Noncitrus Fruit Farming industry.

Though the industries are defined by similarities in the types and quantities of inputs per unit of output used in production, data users should be aware

that certain differences in technologies and cultivating or production practices exist within industries.

There are a few factors that constrained the structure and detail of the classification in the area under consideration. In the Crop and Animal Production subsectors, most activities present in one country exist in the others. However, often an activity is not economically significant to the same degree in all countries due to factors such as climate and soil conditions. For example, cotton cannot be grown in Canada. Further, data for some significant activities cannot be published for a particular country for reasons of confidentiality. Finally, the way activities are combined in establishments differs to some extent in the different countries.

Economic significance in each country also influenced the development of the classification structure. For example, apple production is significant in the three countries but fruit production, excluding apples in Canada, is too small for separate publication at the industry level. Each country will publish additional categories that comprise subdivisions of the NAICS industries to present data for activities that are nationally significant.

##### *Relationship with ISIC*

Most 4-digit NAICS industries in these subsectors are contained within Division 01, Agriculture, Hunting and Related Service Activities of the current International Standard Industrial Classification of all Economic Activities (ISIC, Revision 3) of the United Nations. Data tabulated using NAICS can be retabulated according to ISIC with one exception: Tree Nut and Noncitrus Fruit Farming cannot be assigned to an ISIC division without being sub-divided since integrated grape growing and wine manufacturing are classified in ISIC as an agricultural activity and in NAICS as a manufacturing activity.

##### *Some Changes to the National Classifications*

For Canada, Mexico, and the United States, an industry group is created for root, tuber, and peanut farming. The grouping includes industry activities for potatoes, sugar beets, peanuts, and other root-type crops, except vegetables. Canada previously classified these establishments in field crops and the U.S. in field crops, except cash grains. In Mexico, the industries were classified in CMAP 111102 or 111103 as short-cycle crops.

Support Activities for Agriculture and Forestry is redefined for Canada,

Mexico, and the United States. This subsector contains the following industry groups: Support Activities for Crop Production, Support Activities for Animal Production, and Support Activities for Forestry. The CSIC Major Group 02, Service Industries Incidental to Agriculture, is included in the NAICS Support Activities subsector with some exceptions, namely veterinary services, companion animal services except breeding, certain research activities, and selected activities related to ornamental plants. For Mexico, the activities included in this subsector are moved from CMAP 971010. For the United States, support activities include 1987 SIC Industry Group 085, Forestry Services, and 1987 SIC Major Group 07, Agricultural Services, with the exception of veterinary services, landscape and horticultural services, animal specialty services, except breeding and equine support activities.

For the United States, cotton ginning has been moved to Miscellaneous Manufacturing as a separate 4-digit NAICS industry. Cotton ginning is the mechanical process of removing the seed from the cotton lint. The activity generally takes place "off the farm" at a cotton gin.

For Canada and the U.S., the new industry group Grain and Oilseed Farming constitutes a change in the crop production structure. It essentially replaces the CSIC industry group Field Crop Farms and the 1987 SIC Industry Group 011, Cash Grains.

Orange Groves are a separate crop farming industry for Mexico and the United States. Historically, Mexico and the U.S. classified these establishments in Growing of Fruit Trees and Citrus Fruits, respectively.

Canadian Poultry and Egg Farms and Mexican Poultry Farms are disaggregated into Chicken Egg Production, Broiler and Other Meat-type Chicken Production, and Turkey Production. These NAICS industries plus Poultry Hatcheries and Other Poultry Production form the industry group Poultry Production. The new industries reflect the structure and

current production practices within each country.

Animal Aquaculture is a new industry for both Canada and Mexico. The Canadian industry, Services Incidental to Fishing, has been deleted since the other activities within the industry were either identified as non-existent or were more appropriately classified elsewhere. In Mexico, aquaculture has been moved from the fishing subsector 13 to Animal Production to be consistent with the production oriented principle. In the U.S., Fish Hatcheries and Preserves classified in 1987 SIC 0921 and fish propagation in captivity are included in this industry group.

For Mexico, the CMAP class 111212 for hunting is moved to the NAICS subsector Fishing, Hunting, and Trapping.

For the U.S., a new industry will exist for apiculture.

The subsector Forestry and Logging includes logging, formerly in the U.S. Manufacturing 1987 SIC 2411. As a production activity, the harvesting of standing timber or logging is more similar to the harvesting of agricultural crops than the processing of harvested wood products, the primary activity of the 1987 SIC Major Group 24, Lumber and Wood Products, except Furniture. The production activity for the forestry industry is narrowly defined to be long-term timber growth. Short rotation timber growth and its harvesting is placed in the NAICS industry for Nursery and Floriculture Production.

#### *Achievement of Objectives*

The classification meets the objectives for the North American Industry Classification System. It is comprised of industries that group establishments with similar production processes, that is, it applies the production-oriented economic concept. In the main, the hierarchical structure of the classification also follows the production concept.

The classification achieves comparability for the three participating countries. Based on existing data, all three countries expect to be able to publish data regularly at the industry,

(4-digit) level of the structure. All countries agree on the definitions of the industries.

Other objectives of the NAICS project such as the inclusion of new and emerging industries, service industries, and advanced technology producing industries were not as relevant in this area of the classification as in others. This is due to the relatively well established and technological stable nature of the agricultural and related subsectors.

The industries have high specialization ratios, and with the exception of citrus and cotton farming in Canada and dual purpose cattle farming in Canada and the United States, they are economically significant. Smaller industries are present because comparability is given priority over size. Finally, disruptions to time series have been kept to a minimum. Most of the changes to existing classifications are marginal. The major changes have been identified and can be taken into account in linking time series.

#### *Section B-Annex: United States National Industry Detail*

As explained in the Structure presentation of this notice, for a number of reasons 4-digit industries in the three NAICS industry subsectors presented in Part 1, Section A—Attachment 1, contain less detail than is currently in the U.S. SIC system, and less detail than is required to meet important analytical requirements in the U.S. The three country agreement on NAICS envisions that each country may develop national detailed industries below the NAICS industry level, so long as the national detail can be aggregated to the NAICS classification, thus assuring full North American comparability.

The ECPC is proposing U.S. 5-digit industry detail for the five NAICS industry subsectors covered in Part I of this notice. For cases where no 5-digit detail is shown, the ECPC is proposing that the NAICS 4-digit industries will also represent the most detailed U.S. industries.

Table 1

	1997 NAICS and U.S. description	Status code	1987 SIC code	1987 SIC description
XX .....	Crop Production;			
XXX .....	Grain and Oilseed Farming:			
XXXX ...	Wheat Farming .....	E	0111	Wheat General Farms, Primarily Crop (Wheat Farming).
XXXX ...	Corn Farming .....	R	0115	Corn.
			*0119	Cash Grain, NEC (Popcorn Farming).
XXXX ...	Rice Farming .....	E	0112	Rice.
XXXX ...	Other Grain Farming .....	R	*0119	Cash Grains, NEC (Except Popcorn, Barley, Soybean, and Dry Pea and Bean).

Table 1—Continued

	1997 NAICS and U.S. description	Status code	1987 SIC code	1987 SIC description
XXXX ...	Soybean Farming .....	E	0116	Soybeans.
XXXX ...	Oilseed Farming, Except Soybean Farming .	N	*0119	Cash Grains, NEC (Oilseed, Except Soybean).
XXXX ...	Dry Pea and Bean Farming .....	N	*0119	Cash grains, NEC (Dry Pea and Bean).
XXX .....	Root, Tuber, and Peanut Farming			
XXXX ...	Potato Farming .....	E	0134	Irish Potatoes.
XXXX ...	Peanut and Other Root and Tuber Farming			
XXXXX	Sugarbeet Farming .....	N	*0133	Sugar Cane and Sugar Beets (Sugarbeet Farming).
XXXXX	Peanut Farming .....	N	*0139	Field crops, Except Cash Grains, NEC (Peanut Farming).
XXXXX	Other Root and Tuber Farming .....	N	*0139	Field Crops, Except Cash Grains, NEC (Root and Tuber, Except Potato and Sugarbeet).
XXX .....	Vegetable and Melon Farming:			
XXXX ...	Vegetable and Melon Farming	E	0161	Vegetables and Melons.
XXX .....	Tree Nut and Fruit Farming			
XXXX ...	Orange Groves .....	N	*0174	Citrus Fruits (Orange Groves).
XXXX ...	Other Citrus Groves .....	R	*0174	Citrus Fruits (Except, Orange Groves).
XXXX ...	Tree Nut and Noncitrus Fruit Farming			
XXXXX	Apple Orchards .....	N	*0175	Deciduous Tree Fruits (Apple).
XXXXX	Grape Vineyards .....	E	0172	Grapes.
XXXXX	Strawberry Farming .....	N	*0171	Berry Crops (Strawberry).
XXXXX	Other Berry Farming .....	R	*0171	Berry Crops (Except Strawberry).
XXXXX	Tree Nut Farming .....	E	0173	Tree Nuts.
XXXXX	Other Noncitrus Fruit Farming .....	R	*0175	Deciduous Fruits (Except Apple)
			0179	Fruit and Tree Nuts, NEC.
XXX .....	Greenhouse, Nursery and Floriculture Production:			
XXXX ...	Food Crops Grown Under Cover:			
XXXXX	Mushroom Production .....	N	*0182	Food Crop Grown Under Cover (Mushroom).
XXXXX	Other Food Crops Grown Under Cover ...	R	*0182	Food Crops Grown Under Cover (Except Mushroom).
XXXX ...	Nursery and Floriculture Production			
XXXXX	Nursery and Tree Production .....	N	*0181	Ornamental Nursery Products (Nursery Farming).
XXXXX	Floriculture Production .....	N	*0811	Timber Tracts (Short Rotation Woody Crops).
XXX .....	Other Crop Farming		*0181	Ornamental Nursery Products Farms (Floriculture Farming).
XXXX ...	Tobacco Farming .....	E	0132	Tobacco.
XXXX ...	Cotton Farming .....	E	0131	Cotton.
XXXX ...	Sugarcane Farming .....	N	*0133	Sugarcane and Sugar Beets (Sugarcane).
XXXX ...	Hay Farming .....	N	*0139	Field Crops, Except Cash Grains, NEC (Hay, Farming).
XXXX ...	All Other Crop Farming .....	R	*0139	Field Crops, Except Cash Grains, NEC (Except Root, Tuber, Peanut, and Hay).
			0191	General Farms, Primary Crop.
			*0831	Forest Products (Maple Sap).
XX .....	Animal Production:			
XXX .....	Cattle Ranching and Farming:			
XXXX ...	Beef Cattle Ranching and Farming, Including:			
	Feedlots			
XXXXX	Beef Cattle Ranching and Farming .....	E	0212	Beef Cattle, Except Feedlots (Cattle Farming).
XXXXX	Cattle Feedlots	E	0211	Beef Cattle Feedlots (Cattle Farming).
XXXX ...	Dairy Cattle and Milk Production .....	E	0241	Dairy Farms.
XXXX ...	Dual Purpose Cattle Ranching and Farming	L		
XXX .....	Hog and Pig Farming			
XXXX ...	Hog and Pig Farming	E	0213	Hogs.
XXX .....	Poultry Production			
XXXX ...	Chicken Egg Production	E	0252	Chicken Eggs.
XXXX ...	Broilers and Other Meat Type Chicken Production.	E	0251	Broiler, Fryer, and Roaster Chickens.
XXXX ...	Turkey Production .....	E	0253	Turkeys and Turkey Eggs.
XXXX ...	Poultry Hatcheries and Other Poultry Production			
XXXXX	Poultry Hatcheries .....	E	0254	Poultry Hatcheries.
XXXXX	Other Poultry Production .....	E	0259	Poultry and Eggs, NEC.
XXX .....	Sheep and Goat Farming			
XXXX ...	Sheep Farming .....	N	*0214	Sheep and Goats (Sheep).
XXXX ...	Goat Farming .....	N	*0214	Sheep and Goats (Goat).
XXX .....	Animal Aquaculture			
XXXX ...	Animal Aquaculture			
XXXXX	Finfish Production .....	N	*0273	Animal Aquaculture (Finfish).
			*0921	Fish Hatcheries and Preserve (Finfish Hatcheries).
XXXXX	Shellfish Production .....	N	*0273	Animal Aquaculture (Shellfish).
			*0921	Fish Hatcheries and Preserve (Shellfish Hatcheries).

Table 1—Continued

	1997 NAICS and U.S. description	Status code	1987 SIC code	1987 SIC description
XXXXX	Other Animal Aquaculture .....	R	*0273	Animal Aquaculture (Except Finfish and Shellfish).
XXX .....	Other Animal Production .....			
XXXX .....	Apiculture .....	N	*0279	Animal Specialties, NEC (Apiculture).
XXXX .....	Horse and Other Equine Production .....	E	0272	Horse and Other Equine.
XXXX .....	Fur-Bearing Animal and Rabbit Production ..	E	0271	Fur-Bearing Animals and Rabbits.
XXXX .....	All Other Animal Production .....	R	0219	General Livestock NEC.
			*0279	Animal Specialties, NEC (Except Apiculture).
			0291	General Farms, Primarily Animals.
XX .....	Forestry and Logging:			
XXX .....	Timber Tract Operations:			
XXXX .....	Timber Tract Operations .....	R	*0811	Timber Tracts (Long Term Timber Farming).
XXX .....	Forest Nurseries and Gathering of Forest Products			
XXXX .....	Forest Nurseries and Gathering of Forest Products.	E	*0831	Forest Products (Forest Products, Except Maple Sap).
XXX .....	Logging			
XXXX .....	Logging .....	E	2411	Logging.
XX .....	Fishing, Hunting, and Trapping:			
XXX .....	Fishing:			
XXXX .....	Fishing			
XXXXX	Finfish Fishing .....	E	0912	Finfish.
XXXXX	Shellfish Fishing .....	E	0913	Shellfish.
XXXXX	Other Marine Fishing .....	E	0919	Miscellaneous Marine Products.
XXX .....	Hunting and Trapping			
XXXX .....	Hunting and Trapping .....	E	0971	Hunting and Trapping, and Game Propagation.
XX .....	Support Activities for Agriculture and Forestry:			
XXX .....	Support Activities For Crop Production:			
XXXX .....	Support Activities For Crop Production			
XXXXX	Soil Preparation, Planting, and Cultivating	R	0711	Soil Preparation Services.
			0721	Crop Planting, Cultivating, and Protecting.
XXXXX	Crop Harvesting, Primarily by Machine .....	E	0722	Crop Harvesting, Primarily by Machine.
XXXXX	Postharvest Crop Activities .....	E	0723	Crop Preparation Services For Market.
XXXXX	Farm Labor Contractors and Crew Leaders .....	E	0761	Farm Labor Contractors.
XXX .....	Support Activities For Animal Production:			
XXXX .....	Support Activities For Animal Production	N	*0751	Livestock Services, Except Veterinary.
			*0752	Animal Specialty Services, Except Veterinary.
			*7699	Repair Services, NEC (Farriers).
XXX .....	Support Activities for Forestry:			
XXXX .....	Support Activities for Forestry .....	E	0851	Forestry Services.

The definitions of status codes are as follows: E-existing industry; L-null industry for the U.S.; N-new industry R-revised industry; and \* means "part of". The abbreviation NEC is used for Not Elsewhere Classified.

TABLE 2

1987 SIC code	1987 SIC description	1997 U.S. description
0111 .....	Wheat .....	Wheat Farming.
0112 .....	Rice .....	Rice Farming.
0115 .....	Corn .....	Corn Farming.
0116 .....	Soybeans .....	Soybean Farming.
0119 .....	Cash Grains, NEC	
	Dry Pea and Bean Farms .....	Dry Pea and Bean Farming.
	Oilseed, Except Soybean Farms .....	Oilseed Farming, Except Soybean Farming.
	Popcorn Farms .....	Corn Farming.
	Other Farms .....	All Other Grain Farming.
0131 .....	Cotton .....	Cotton farming.
0132 .....	Tobacco .....	Tobacco Farming.
0133 .....	Sugarcane and Sugar Beets	
	Sugarbeet .....	Sugarbeet Farming.
	Sugarcane .....	Sugarcane Farming.
0134 .....	Irish Potatoes .....	Potato Farming.
0139 .....	Field Crops, Except Cash Grains, NEC	
	Hay, Farms .....	Other Hay Farming.
	Peanut Farming .....	Peanut Farming.
	Root and Tuber, Except Potato, Farms .....	Other Root and Tuber Farming.
	Other Field Crop Farms .....	All Other Crop Farming.
0161 .....	Vegetables and Melons .....	Vegetable and Melon Farming.
0171 .....	Berry Crops	
	Strawberry Farms .....	Strawberry Farming.
	Other Berry Farms .....	Other Berry Farming.

TABLE 2—Continued

1987 SIC code	1987 SIC description	1997 U.S. description
0172 .....	Grapes .....	Grape Vineyards.
0173 .....	Tree Nuts .....	Tree Nut Farming.
0174@ .....	Citrus Fruits	
	Orange Groves and Farms .....	Orange Groves.
	Other Citrus Groves and Farms .....	Other Citrus Groves.
0175 .....	Deciduous Tree Fruits .....	
	Apple Orchard and Farms .....	Apple Orchards.
	Other Farms .....	Other Noncitrus Fruit Farming (pt).
0179@ .....	Fruits and Tree Nuts, NEC .....	Other Noncitrus Fruit Farming (pt).
0181@ .....	Ornamental Nursery Products	
	Floriculture Farming .....	Floriculture Production.
	Nursery Farming .....	Nursery and Tree Production (pt).
0182 .....	Food Crops Grown Under Cover	
	Mushroom, Growing Of .....	Mushroom Production.
	Other Food Crops Grown Under Cover .....	Other Food Crops Grown Under Cover.
0191@ .....	General Farms, Primarily Crop .....	All Other Crop Farming (pt).
0211 .....	Beef Cattle Feed Lots .....	Cattle Feedlots.
0212 .....	Beef Cattle, Except Feedlots .....	Beef Cattle Ranching and Farming.
0213 .....	Hogs .....	Hog and Pig Farming.
0214 .....	Sheep and Goats	
	Sheep Farms .....	Sheep Farming.
	Goat Farms .....	Goat Farming.
0219@ .....	General Livestock, NEC .....	All Other Animal Production (pt).
0241 .....	Dairy Farms .....	Dairy Cattle and Milk Production.
0251 .....	Broiler, Fryers, and Roaster Chickens .....	Broilers and Other Meat-Type Chicken Production.
0252 .....	Chicken Eggs .....	Chicken Egg Production.
0253 .....	Turkey and Turkey Eggs .....	Turkey Production.
0254 .....	Poultry Hatcheries .....	Poultry Hatcheries.
0259 .....	Poultry and Eggs, NEC .....	Other Poultry Production.
0271 .....	Fur-Bearing Animals and Rabbits .....	Fur-Bearing Animal and Rabbit Production.
0272 .....	Horses and Other Equines .....	Horses and Other Equine Production.
0273 .....	Animal Aquaculture	
	Finfish Farming .....	Finfish Production.
	Shellfish Farming .....	Shellfish Production.
	Other Animal Aquaculture .....	Other Animal Aquaculture (pt).
0279@ .....	Animal Specialities, NEC	
	Apiculture .....	Apiculture.
	Other .....	All Other Animal Production (pt).
0291@ .....	General Farms, Primarily Animal .....	All Other Animal Production (pt).
0711 .....	Soil Preparation Services .....	Soil Preparation, Planting and Cultivating (pt).
0721 .....	Crop Planting and Protecting .....	Soil Preparation, Planting and Cultivating (pt).
0722 .....	Crop Harvesting .....	Crop Harvesting, Primarily By Machine.
0723 .....	Crop Preparation Services For Market .....	Postharvest Crop Activities.
0724 .....	Cotton Ginning .....	Cotton Ginning (Included in Miscellaneous Manufacturing subsector).
0741 .....	Veterinary Service For Livestock .....	Veterinary Services(pt) (Included in Services to be shown later).
0742 .....	Veterinary Services, Specialties .....	Veterinary Service (pt) (Included in Services to be shown later).
0751@ .....	Livestock Services, Except Veterinary	
	Custom Slaughtering .....	Animal Slaughtering and Processing (pt) (Included in Food Manufacturing subsector).
	Other Livestock Service, Except Veterinary .....	Support Activities For Animal Production (pt).
0752@ .....	Animal Specialty Service	
	Horses and Equines Services and Animal Production Breeding.	Support Activities For Animal Production (pt).
	Breeding	
	Other Specialty Animal Services .....	Animal Specialty Services, Except Veterinary (pt) (Included in Services to be shown later).
0761 .....	Farm Labor Contractors .....	Farm Labor Contractors and Crew Leaders.
0762@ .....	Farm Management Services	
	Animal Production Management Services .....	Support Activities For Animal Production (pt).
	Crop Production Management Services .....	Included with the particular crop production industries they serve.
0781 .....	Landscape Counseling and Planning .....	Included in Services and Construction Industries to be shown later.
0782 .....	Lawn and Garden Services .....	Included in Services and Construction Industries to be shown later.
0783 .....	Ornamental Shrub and Tree Services .....	Included in Services and Construction Industries to be shown later.
0811@ .....	Timber Tracts	
	Short Rotation Woody Crops .....	Nursery and Tree Production (pt).

TABLE 2—Continued

1987 SIC code	1987 SIC description	1997 U.S. description
0831@ .....	Long Term Crops .....	Timber Tract Operations.
	Forest Products .....	
	Maple Sap .....	All Other Crop Production (pt).
	Other Forest Products .....	Forest Nurseries and Gathering of Forest Products.
0851 .....	Forestry Services .....	Support Activities For Forestry.
0912 .....	Finfish .....	Finfish Production.
0913 .....	Shellfish .....	Shellfish Production.
0919 .....	Miscellaneous Marine Products .....	Other Animal Aquaculture.
0921@ .....	Fish Hatcheries and Preserves .....	
	Finfish Hatcheries .....	Finfish Production (pt).
	Shellfish Hatcheries .....	Shellfish Production (pt).
	Fish Preserves .....	Nature Parks and Similar Institutions (pt) (Included in Museums, Historical Sites and Similar Institutions subsector to be shown later).
0971 .....	Hunting, Trapping, Game Propagation .....	Hunting and Trapping.

The abbreviation "pt" means "part of". @ means time series break has been created that is greater than 3% of the 1992 revenues for the 1987 SIC industry.

### *Description of Changes to the U. S. System*

A number of the changes listed in this section were made for reasons of international comparability. Where one or more of the three North American countries had different definitions of an industry classification, adjustments to the definitions in one or more countries were required. In constructing NAICS, the three countries agreed to move, where change was required to attain international comparability, in the direction of the country or countries whose existing classification definitions most closely corresponded to the production-oriented concept adopted for NAICS. Cases where the U.S. changed are listed below; other cases where Canada or Mexico moved toward the U.S. classification are not, of course, listed in this section.

**Crop Production**—There were 13 new industries added to the 1997 industry structure in this industry subsector. New industries were created for:

Oilseed Farming, Except Soybean Farming and Dry Pea and Bean Farming from part of 1987 SIC 0119, Cash Grains, NEC, in response to a proposal and to achieve international comparability.

Sugarbeet Farming and Sugarcane Farming from 1987 SIC 0133, Sugar Cane and Sugar Beets, to recognize significant industries with unique production processes and to achieve international comparability.

Peanut Farming, Other Root and Tuber Farming, and Hay Farming from part of 1987 SIC 0139, Field Crops, Except Cash Grains, NEC, to recognize industries with unique production processes and to achieve international comparability.

Orange Groves from part of 1987 SIC 0174, Citrus Fruits, to recognize an

existing large industry with a unique production process.

Apple Orchards from part of 1987 SIC 0175, Deciduous Tree Fruits, to recognize an existing large industry with a unique production process.

Strawberry Farming from part of 1987 SIC 0171, Berry Crops, to recognize an existing large berry industry.

Mushroom Production from part of 1987 SIC 0182, Food Crop Grown Under Cover, in response to a data user's proposal and to achieve international comparability.

Nursery and Tree Production from part of 1987 SIC 0181, Ornamental Nursery Product, and part of 1987 SIC 0811, Timber Tract Operations, to achieve international comparability.

Floriculture Production from part of 1987 SIC 0181, Ornamental Nursery Products, to recognize an existing large industry with a unique production process.

Two activities were transferred into the 1997 Crop Production subsector.

Short rotation woody crops (e.g., Christmas trees) farming was transferred from part of 1987 SIC 0811, Timber Tracts, into Nursery and Tree Production, in response to a proposal and because of similar production processes. Christmas trees and other woody products life cycle is typically less than ten years in contrast to trees growing in forests with a much longer growth cycle.

Maple sap gathering was transferred from part of 1987 SIC 0831, Forest Products, into All Other Crop Production in response to an industry proposal. The production of maple syrup at the site where maple sap is gathered is included in All Other Crop Production while the production of maple syrup at a separate location is in the Manufacturing sector of NAICS.

Also, there were several activities that transferred within the crop production industry group. The number of crop production industries increased from 20 in 1987 to 29 in 1997. For time series linkage, 16 of the 20 1987 industries are comparable within three percent of the 1997 industries.

**Animal Production**—There were five new industries added to the 1997 industry structure for this industry subsector. New industries were created for:

Sheep Farming and Goat Farming from 1987 SIC 0214, Sheep and Goats, to achieve international comparability with Mexico.

Finfish Production and Shellfish Production from part of 1987 SIC 0273, Animal Aquaculture, to recognize emerging industries with unique production processes.

Apiculture from part of 1987 SIC 0279, Animal Specialties, NEC, to achieve international comparability.

Dual Purpose Cattle Ranching and Farming will be a null industry for the United States.

One activity transferred into the 1997 Animal Production industry subsector.

Fish Hatcheries were transferred from 1987 SIC 0921, Fish Hatcheries and Preserves, into Animal Aquaculture, to reflect a production process for fish propagated in captivity.

A few activities were transferred within the animal production industry group. The number of animal production industries increased from 16 in 1987 to 19 in 1997. For time series linkage, 13 of the 16 1987 industries are comparable within three percent of the 1997 industries.

**Forestry and Logging**—Three activities were transferred out of the 1987 Major Group 08, Forestry.

Short rotation woody crops (e.g., Christmas trees) were transferred from

part of 1987 SIC 0811, Timber Tracts, into Nursery and Tree Production to reflect similar production processes based on the length of the commodities growth cycle.

Maple sap gathering was transferred from part of 1987 SIC 0831, Forest Products, into part of All Other Crop Production in response to an industry proposal.

1987 SIC 0851, Forestry Services, was transferred into the 1997 Support Activities for Crop and Animal Production and Forestry subsector, to reflect similar production support processes.

One activity was transferred into 1997 Forestry and Logging Industry subsector.

1987 SIC 2411, Logging, was transferred into this subsector because the production process is more clearly aligned to forestry and for international comparability.

The number of 1997 forestry and logging industries remained unchanged at three from 1987. For time series linkage, only one of the three 1987 industries are comparable within three percent of the 1997 industries.

Fishing, Hunting, and Trapping—Two activities were transferred out of the 1987 Major Group 09, Fishing, Hunting, and Trapping.

Fish hatcheries were transferred from part of 1987 SIC 0921, Fish Hatcheries and Preserves, into Finfish Hatcheries and Shellfish Hatcheries, to reflect production processes for fish propagated in captivity.

Fish preserves were transferred from part of 1987 SIC 0921, Fish Hatcheries and Preserves, into 1997 NAICS Museums, Historical Sites and Similar Institutions subsector, to reflect similar production processes.

Also, there were several activities that transferred within the fishing, hunting and trapping industries. The number of fishing, hunting, and trapping industries decreased from five in 1987 to four in 1997. For time series linkage, four of the 1987 industries are comparable within three percent of the 1997 industries.

Support Activities for Agriculture and Forestry—There was one new industry added to the industry structure for this subsector. An industry was created for:

Support Activities for Animal Production from part of 1987 SIC 0751, Livestock Services, Except Veterinary; 0752, Animal Specialty Services, Except Veterinary; and 7699, Repair Services, NEC, to reflect similar production processes.

Eight activities were transferred out of 1987 SIC Major Group 07, Agriculture Services.

Cotton Ginning was transferred into the NAICS Miscellaneous Manufacturing subsector, to achieve international comparability with Mexico.

Veterinary Services for Livestock, 1987 SIC 0741, and Veterinary Services for Animal Specialties, 1987 SIC 0742, will be combined and transferred into one of the 1997 services industry subsectors, to achieve international comparability. Also, the services require very specialized input and highly skilled workers not found in other support activities for animal production.

Custom slaughtering was transferred from part of 1987 SIC 0751, Livestock Services, Except Veterinary, into the 1997 manufacturing industry subsector Food Product Manufacturing, to reflect a similar production process.

Animal Specialty Services, Except Veterinary were transferred from part of 1987 SIC 0752, Animal Specialty Services, Except Veterinary, into one of the new service industry subsectors, to reflect unique production processes. Services for horses and equines and activities related to breeding of animals will be in Support Activities for Animal Production.

Farm Management Services, 1987 SIC 0762, will be integrated with the particular crop production industries they serve. For example, "citrus grove management and maintenance" will be classified with Orange Groves or Other Citrus Groves, depending on the crop managed. If there is not a dominant cropping activity, crop farm management services will be placed with the 4-digit NAICS industry, All Other Crop Farming. Activities are grouped together that have similar production processes.

Landscape architects and landscape planning was transferred from part of 1987 SIC 0781, Landscape Counseling and Planning, into 1997 NAICS subsector, Professional, Technical, and Scientific Services, to reflect similar production processes involving similar inputs and particularly skills in architecture and planning.

Garden planning horticulture advisory and counseling services were transferred from part of 1987 SIC 0781, Landscape Counseling and Planning, into one of the 1997 services industries, to achieve international comparability and separate out non-crop production activities.

Lawn and garden care services, excluding installation and initial planting activities were transferred from part of 1987 SIC 0782, Lawn and Garden Services, and 1987 SIC 0783, Ornamental Shrub and Tree Service, was transferred partly into one of the

new 1997 services industries. Lawn and garden installation and initial planting of materials were transferred into the Construction Industries sector, to reflect similar production processes. Also, this achieves international comparability with Canada that now divides these industries between construction and services.

Two activities were transferred into the NAICS Support Activities for Agriculture and Forestry subsector.

1987 SIC 0851, Forestry Services, were transferred into the industry group, Support Activities for Forestry, to reflect similar production processes, i.e., support activities for agriculture and forestry.

Farriers (Blacksmith Shops) were transferred from part of 1987 SIC 7699, Repair Services, NEC, into the industry group, Support Activities for Animal Production, to achieve international comparability. This activity provides direct support to the animal production subsector.

Also, there were several activities that transferred within the support activities for crop and animal production and forestry industries. The number of support activities for crop and animal production and forestry industry decreased from 14 in 1987 to 6 in 1997. For time series linkage, 11 of the 14 1987 industries are comparable within three percent of the 1997 industries.

Part II—Proposed New Industry Structure for Textile Mills, Textile Product Mills, Apparel Manufacturing, Leather and Allied Product Manufacturing

#### *Section A—NAICS Structure*

North American Industry Classification System (NAICS)

Agreement Number 5

This Document represents the proposed agreement on the structure of the North American Industry Classification System (NAICS) for the following industries:

Textile Mills  
Textile Product Mills  
Apparel Manufacturing  
Leather and Allied Product Manufacturing

The detailed NAICS structure along with a brief description of the structure is attached (Attachments 1 and 2). Each country agrees to release a copy of the proposed NAICS structure to interested data users. For the apparel industries only, each country may develop a different national structure. These structures must, however, permit each country to aggregate to the NAICS structure in Attachment 1. Each

country's detailed apparel structure is shown in Attachment 3. Comments received will be shared among the countries and discussions held before a final decision on the structure is made. This NAICS structure was presented and provisionally accepted at the NAICS Committee meeting held June 22 and 23, 1995 in Ottawa, Canada.

Accepted	Signature	Date
Canada .....	/S/ Jacob Ryten .....	6/23/95
Mexico .....	/S/ Enrique Ordaz ...	6/23/95
United States.	/S/ Jack E. Triplett ..	6/23/95

#### Attachment 1—NAICS Structure

XX Textile Mills  
 XXX Fiber, Yarn and Thread Mills  
 XXXX Fiber, Yarn and Thread Mills  
 XXX Fabric Mills  
 XXXX Broadwoven Fabric Mills  
 XXXX Narrow Fabric Mills and Schiffli Machine Embroidery  
 XXXX Nonwoven Fabric Mills  
 XXXX Knit Fabric Mills  
 XXX Textile and Fabric Finishing and Fabric Coating Mills  
 XXXX Textile and Fabric Finishing Mills  
 XXXX Fabric Coating Mills  
 XX Textile Product Mills  
 XXX Textile Furnishings Mills  
 XXXX Carpet and Rug Mills  
 XXXX Curtain and Linens Mills  
 XXX Miscellaneous Textile Product Mills  
 XXXX Textile Bags and Canvas Mills  
 XXXX Other Miscellaneous Textile Product Mills  
 XX Apparel Manufacturing  
 XXX Cut and Sew Apparel Manufacturing  
 XXXX Outerwear Manufacturers and Jobbers  
 XXXX Underwear and Nightwear Manufacturers and Jobbers  
 XXXX Cut and Sew Apparel Contractors  
 XXX Apparel Knitting Mills  
 XXXX Hosiery and Socks Mills  
 XXXX Other Apparel Knitting Mills  
 XXX Apparel Accessories and Other Apparel Manufacturing  
 XXXX Apparel Accessories and Other Apparel Manufacturing  
 XX Leather And Allied Product Manufacturing  
 XXX Leather and Hide Tanning and Finishing  
 XXXX Leather and Hide Tanning and Finishing  
 XXX Footwear Manufacturing  
 XXXX Footwear Manufacturing  
 XXX Miscellaneous Leather and Allied Product Manufacturing  
 XXXX Miscellaneous Leather and Allied Product Manufacturing

#### Attachment 2—North American Industry Classification System

Draft Classification for:  
 Textile Mills  
 Textile Product Mills  
 Apparel Manufacturing  
 Leather and Allied Product Manufacturing

Representatives of the statistical agencies of Canada, Mexico and the United States agree to a draft industry classification for these industries.

The draft classification provides for four subsectors; Textile Mills; Textile Product Mills; Apparel Manufacturing; and Leather and Allied Product Manufacturing. These groups are further sub-divided into eleven industry groups and twenty industries. The subsectors will be part of the Manufacturing sector of the NAICS classification.

#### A General Outline

Textile Mills comprise a group of industries that transform a basic fiber (natural or synthetic) into a product that is further manufactured into usable items such as apparel, sheets and towels, and textile bags for individual or industrial consumption. The main processes in this subsector include preparation and spinning of fiber, knitting or weaving of fabric, and finally the finishing of the textile. The NAICS structure follows and captures this process flow. Major industries in this flow such as preparation of fibers, weaving of fabric, knitting of fabric, and fiber and fabric finishing are uniquely identified. Texturizing, throwing, twisting, and winding of yarn contains aspects of both fiber preparation and fiber finishing. In the end, the decision was to class these with preparation of fibers rather than with finishing of fiber.

The subsector Textile Product Mills includes the production of textile products, except apparel. With a few exceptions, processes used in these industries are generally "cut and sew," i.e., purchasing fabric and cutting and sewing to make a non-apparel textile product such as sheets and towels. By creating a separate subsector, the classification more accurately reflects both the production aspect and the strong desire for a separate identification for these activities by many data users.

The Apparel Manufacturing subsector consists of establishments with two distinct manufacturing processes: (1) "cut and sew" as described above and (2) the manufacture of garments in establishments that first knit fabric and then cut and sew the fabric into a garment. Knitting, when done alone, is classified in the Textile Mills subsector, but when knitting is combined with the production of complete garments, the production processes are similar to those in Apparel Manufacturing. The three countries agreed to establish separate subsectors for Textile Product Mills and Apparel Manufacturing. These groupings allow for the unique identification at a high classification

level for Apparel Manufacturing, an extremely important international trade grouping.

The subsector Leather and Allied Product Manufacturing consists of transforming hides into leather by tanning or curing, and fabricating the leather into products for final consumption. It also includes the manufacture of certain other, similar products from other materials, including products other than apparel made from "leather substitutes", such as rubber, plastic, or textiles. Rubber footwear, textile luggage, and plastic purses or wallets are examples of "leather substitute" products included in this group. The products made from leather substitutes are produced in similar ways as are the leather products (luggage, for example) and they are made in the same establishments so it is not practical to separate them. The inclusion of leather production in this subsector is partly because leather tanning is a relatively small industry that has few close neighbors as a production process, partly because leather is an input to some of the other products classified in this subsector, and partly for historical reasons.

#### Limitations and Constraints of the Classification

There are some analytical needs that cannot be met by this industry classification. For example, there is a need in the U.S. and Canada for data for separate statistics for men's and women's apparel, even though overlap of production exists for many specific clothing items. This cannot be accommodated by NAICS because of differences in the way apparel production is organized in Canada, Mexico, and the U.S. Specifically, in Mexico, producers of children's wear are not specialized according to gender as they are in the U.S. and Canada. It is therefore, not possible for Mexico to create separate industries for men's and boys' versus women's and girls'. Canada and the U.S., on the other hand, can recognize this distinction and in the national detail of the two countries, these groupings are recognized. Moreover, Mexico requires that uniforms be grouped together in a single industry; in the U.S. and Canada, production of men's uniforms is usually separate from production of women's uniforms. Additionally, size constraints prohibit separation of some activities in Canada. For example, Canada cannot support a separate men's work clothing industry.

These differences in the way apparel production is organized in the three countries also greatly limits the number



of NAICS industries that can be defined in this subsector. As a result, NAICS industries have been defined at a rather highly aggregated level (e.g., outerwear) because only at these levels of aggregation will it be possible to publish comparable data across all three countries. Therefore, the three countries agreed that each country will publish more detailed national industries that meet their respective national needs for data on apparel. For the apparel industries only, each country may develop a different national structure. These structures must, however, permit each country to aggregate to the NAICS structure shown in Attachment 1. Attachment 3 shows each country's detailed national structure for apparel.

For users requiring detailed commodity information, each country will publish information on products of these industries. Efforts also are underway to harmonize the commodity classifications to allow comparability of these statistics.

An issue related to the coding structure is the ability to publish, and the economic significance of the items defined in the classification. In the apparel industry, most activities that were identified in one country exist in the others. However, often an activity is not economically significant to the same degree in all countries. Further, data for some significant activities cannot be published for a particular country because of confidentiality rules. Finally, the way activities are combined in establishments differs to some extent in the different countries. A structure could have been developed that specified such activities in NAICS, but the resulting statistical tables for any given country would have numerous insignificant or suppressed entries. For example, Canada cannot support a separate men's work clothing industry because of size. It was preferable to adopt an operating rule for this industry subsector that the NAICS industries must be economically significant and publishable. It is anticipated that each country will publish additional categories that comprise sub-divisions of NAICS industries to present data for activities that are nationally significant.

#### *Relationship to ISIC*

The new NAICS structure for textiles, apparel, and leather does not match the current International Standard Industrial Classification of all Economic Activities (ISIC, Revision 3). The ISIC divisions covered by these NAICS subsectors are: Division 17, Manufacture of Textiles; Division 18, Manufacture of Wearing Apparel: Dressing and Dyeing of Fur; and Division 19, Tanning and

Dressing of Leather; Manufacture of Luggage, Handbags, Saddlery, Harness and Footwear. Within ISIC, apparel made from fabric made in the same establishment is classified in one division and that made from fabric made by another establishment is classified in a different division. Within ISIC, both manufacturing of primary textiles and made-up textile products are classified in the same division while in NAICS these functions have been separated into two subsectors.

However, of the twenty one NAICS 4-digit industries in these subsectors, only four do not fall within a single ISIC Division. The four that do not, cross two ISIC divisions. Moreover, the majority of the NAICS industries created fall within a single 4-digit ISIC industry.

#### *Some Changes to the National Classifications*

This section highlights some of the significant changes to existing national classifications.

In Textile Mills, the NAICS structure following the production flow resulted in a major restructuring for Canada. Every new national industry in Canada will have some change. For the United States, the main industry change involves moving finishing of fiber, yarn, thread, and wool fabric into separate classifications. The United States converters of non knit (woven) fabric also were moved to manufacturing. In Mexico, the changes were minor.

The subsector Textile Product Mills contains no major changes for any of the three countries. In NAICS, all three countries moved curtains and draperies made from purchased materials to this grouping.

The major change for Mexico and the U. S. for all NAICS industries in Apparel Manufacturing was the classification of cut and sew contracting into a separate NAICS industry group. The fact that cut and sew apparel contractors make women's dresses one week and women's blouses the next or make men's shirts one week and men's pants the next results in difficulties in classifying establishments. In addition, these contractors are typically small, thus causing additional difficulties in classifying these establishments. Classifying all contractors together eases the data collection process. Creating a separate contracting industry for apparel results in a change in virtually every U.S. (13) and Mexican (6) apparel manufacturing industry. Canada already recognizes apparel contracting in its current structure. It should be noted that Mexico will continue to collect and publish a combined industry (including contractors) for the cut and sew area,

but will publish separate NAICS for this industry. The U.S. Census Bureau has published information in the past on cut and sew contractors. This information will be used as a bridge to link the 1997 Economic Census data based on NAICS to data that would have been published on the 1987 SIC basis. This link will provide data users essential information for time series comparability.

#### *Achievement of Objectives*

The classification meets the objectives for the NAICS. It is comprised of industries that group establishments with similar production processes, that is, it applies the production-oriented economic concept. In the main, the hierarchical structure of the classification also follows the production concept.

The classification achieves comparability for the three participating countries. Based on existing data, all three countries expect to be able to publish data regularly at the industry level of the structure. All countries agree on the detailed definitions of the industries.

Other objectives of the NAICS project are not as relevant in this area of the classification as in others. These objectives are the delineation of new and emerging industries, service industries, and industries engaged in the production of advanced technologies. The industry subsector in question is relatively mature, generally produces goods, and has employed relatively stable technology. Therefore, the emphasis was on the objectives listed above.

The industries have high specialization ratios, and they are economically significant. The detail and structure of the classification are balanced in size. This enhances the classification's suitability for sampling, data-publishing and other aspects of survey operations. For Textile Mills and Textile Product Mills, disruptions to time series have been kept to a minimum. In Apparel Manufacturing, however, the establishment of a separate industry for cut and sew contractors results in a change for the U.S. to nearly all of the existing apparel industries. A link between the old and new industries will be provided where possible.

#### *Attachment 3—Individual Country Structure for Apparel Manufacturing—NAICS Description*

##### *Canada*

XX Apparel Manufacturing  
XXX Men's and Boys' Cut and Sew Apparel Manufacturers and Jobbers

XXXX Men's and Boys' Cut and Sew Shirt, including Work Shirt Manufacturers and Jobbers

XXXX Men's and Boys' Cut and Sew Trouser, Slack and Jean, including Work Clothing Manufacturers and Jobbers

XXXX Men's and Boys' Cut and Sew Suit, Coat, and Overcoat Manufacturers and Jobbers

XXXX Men's and Boys' Cut and Sew Other Outerwear Manufacturers and Jobbers

XXXX Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturers and Jobbers

XXX Women's and Girls' Cut and Sew Apparel Manufacturers and Jobbers

XXXX Women's and Girls' Cut and Sew Blouse and Shirt Manufacturers and Jobbers

XXXX Women's and Girls' Cut and Sew Dress Manufacturers and Jobbers

XXXX Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket and Skirt Manufacturers and Jobbers

XXXX Women's and Girls' Cut and Sew Other Outerwear Manufacturers and Jobbers

XXXX Women's and Girls' Cut and Sew Lingerie, Loungewear and Nightwear Manufacturers and Jobbers

XXX Other Cut and Sew Apparel Manufacturers and Jobbers

XXXX Infants' Cut and Sew Apparel Manufacturers and Jobbers

XXXX Fur and Leather Apparel Manufacturers and Jobbers

XXXX All Other Cut and Sew Apparel Manufacturers and Jobbers

XXX Cut and Sew Apparel Contractors

XXX Apparel Knitting Mills

XXXX Hosiery and Socks Mills

XXXX Other Apparel Knitting Mills

XXX Apparel Accessories and Other Apparel Manufacturing

XXXX Apparel Accessories and Other Apparel Manufacturing

#### Mexico

XX Apparel Manufacturing

XXXXXX Making up of mass-produced men's outerwear

XXXXXX Making up of made-to-measure men's outerwear

XXXXXX Making up of mass-produced women's outerwear

XXXXXX Making up of women's made-to-measure outerwear

XXXXXX Making up of shirts

XXXXXX Making up of uniforms

XXXXXX Making up of men's wear from leather, hides and synthetics

XXXXXX Making up of women's wear from leather, hides and synthetics

XXXXXX Making up of children's outerwear

XXXXXX Making up of other outerwear

XXXXXX Making up of foundation garments

XXXXXX Making up of other innerwear

XXXXXX Manufacture of hats, caps, etc.

XXXXXX Manufacture of hats, caps, etc., from palm and other hard fibers

XXXXXX Manufacture of gloves, ties, scarves, etc.

#### United States

XX Apparel Manufacturing

XXX Men's and Boys' Cut and Sew Apparel Manufacturers and Jobbers

XXXX Men's and Boys' Cut and Sew Shirt, except Work Shirt Manufacturers and Jobbers

XXXX Men's and Boys' Cut and Sew Trouser, Slack, and Jean Manufacturers and Jobbers

XXXX Men's and Boys' Cut and Sew Work Clothing Manufacturers and Jobbers

XXXX Men's and Boys' Cut and Sew Suit, Coat, and Overcoat Manufacturers and Jobbers

XXXX Men's and Boys' Cut and Sew Other Outerwear Manufacturers and Jobbers

XXXX Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturers and Jobbers

XXX Women's and Girls' Cut and Sew Apparel Manufacturers and Jobbers

XXXX Women's and Girls' Cut and Sew Blouse and Shirt Manufacturers and Jobbers

XXXX Women's and Girls' Cut and Sew Dress Manufacturers and Jobbers

XXXX Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket and Skirt Manufacturers and Jobbers

XXXX Women's and Girls' Cut and Sew Other Outerwear Manufacturers and Jobbers

XXXX Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturers and Jobbers

XXX Other Cut and Sew Apparel Manufacturers and Jobbers

XXXX Infants' Cut and Sew Apparel Manufacturers and Jobbers

XXXX Fur and Leather Apparel Manufacturers and Jobbers

XXXX All Other Cut and Sew Apparel Manufacturers and Jobbers

XXX Cut and Sew Apparel Contractors

XXXX Men's and Boys' Apparel Contractors

XXXX Women's and Girls' Apparel Contractors

XXX Apparel Knitting Mills

XXXX Hosiery and Socks Mills

XXXXX Sheer Hosiery Mills

XXXXX Other Hosiery and Socks Mills

XXXX Other Apparel Knitting Mills

XXXXX Outerwear Knitting Mills

XXXXX Underwear and Nightwear Knitting Mills

XXX Apparel Accessories and Other Apparel Manufacturing

XXXX Hat, Cap, and Millinery Manufacturing

XXXX Glove and Mitten Manufacturing

XXXX Men's and Boys' Neckwear Manufacturing

XXXX Apparel Belt, Apparel Accessories, and Other Apparel Manufacturing

#### Section B-Annex: United States National Industry Detail

As explained in the *Structure* presentation of this notice, for a number of reasons 4-digit industries in the three NAICS industry subsectors presented in Part 1, Section A—Attachment 1, contain less detail than is currently in the U.S. SIC system, and less detail than is required to meet important analytical requirements in the U.S. The three country agreement on NAICS envisions that each country may develop national detailed industries below the NAICS industry level, so long as the national detail can be aggregated to the NAICS classification, thus assuring full North American comparability.

The ECPC is proposing U.S. 5-digit industry detail for the three NAICS industry subsectors covered in Part I of this notice. For cases where no 5-digit detail is shown, the ECPC is proposing that the NAICS 4-digit industries will also represent the most detailed U.S. industries.

TABLE 1

	1997 NAICS and U.S. description	Status code	1987 SIC code	1987 SIC description
XX .....	Textile Mills:			
XXX .....	Fiber, Yarn and Thread Mills:			
XXXX ...	Fiber, Yarn and Thread Mills:			
XXXXX	Yarn Spinning Mills .....	R	2281 2299 3999	Yarn Spinning Mills. Textile goods, NEC (Yarn of Hard Fiber). Manufacturing Industries NEC (Yarn of Animal Hair).
XXXXX	Yarn Texturing, Throwing, and Twisting Mills.	R	2282	Throwing and Winding Mills (Except Spooling Purchased Yarns).
XXXXX	Thread Mills .....	R	*2284 *2299 *3999	Thread Mills (Except Finishing). Textile Goods, NEC (Thread of Hard Fiber). Manufacturing Industries NEC (Thread of Animal Hair).
XXX .....	Fabric Mills:			

TABLE 1—Continued

	1997 NAICS and U.S. description	Status code	1987 SIC code	1987 SIC description
XXXX ...	Broadwoven Fabric Mills .....	N	2211 2221 *2231 *2299	Broadwoven Fabric Mills, Cotton. Broadwoven Fabric Mills, Manmade. Broadwoven Fabric Mills, Wool (Except Wool Finishing). Textile Goods, NEC (Broadwoven Fabrics of Hard Fiber).
XXXX ...	Narrow Fabric Mills and Schiffli Machine Embroideries:			
XXXXX	Narrow Fabric Mills .....	R	2241 *2299	Narrow Fabric Mills. Textile Goods, NEC (Narrow Fabric of Hard Fiber).
XXXXX	Schiffli Machine Embroideries .....	E	2397	Schiffli Machine Embroideries.
XXXX ...	Nonwoven Fabric Mills .....	R	2297 *2299	Nonwoven Fabrics. Textile Goods, NEC (Nonwoven Felt).
XXXX ...	Knit Fabric Mills:			
XXXXX	Weft Knit Fabric Mills .....	R	*2257 *2259	Weft Knit Fabric Mills (Except Finishing). Knitting Mills NEC (Finished Articles).
XXXXX	Other Knit Fabric and Lace Mills .....	R	*2258 *2259	Lace and Warp Knit Fabric Mills (Except Finishing). Knitting Mills NEC (Finished Articles).
XXX .....	Textile and Fabric Finishing and Fabric Coating Mills:			
XXXX ...	Textile and Fabric Finishing Mills:			
XXXXX	Broadwoven Fabric Finishing Mills .....	N	*2231	Broadwoven Fabric Mills, Wool (Wool Broadwoven Fabric Finishing).
			2261 2262 *2269 *5131	Finishing Plants, Cotton. Finishing Plants, Manmade. Finishing Plants, NEC (Linen Fabric Finishing). Piece Goods and Notions (Broadwoven Converters).
XXXXX	Textile and Fabric Finishing Mills, except Broadwoven Fabric.	N	*2231	Broadwoven Fabric Mills, Wool (Wool Finishing except Broadwoven Fabric).
			2257 *2258 *2269 *2282 *2284 *2299 *5131	Weft Knit Fabric Mills (Finishing). Lace and Warp Knit Fabric Mills (Finishing). Finishing Plants, NEC (Except Linen Fabric Finishing). Throwing and Winding Mills (Yarn Finishing). Thread Mills (Thread Finishing). Textile Goods, NEC (Finishing Yarn/Thread of Hard Fibers). Piece Goods and Notions (Converters, Except Broadwoven and Knit).
XXXX ...	Fabric Coating Mills .....	R	2295 *3069	Coated Fabrics, Not Rubberized. Fabricated Rubber Products, NEC (Rubberized Fabric).
XX .....	Textile Product Mills:			
XXX .....	Textile Furnishings Mills:			
XXXX ...	Carpet and Rug Mills .....	E	2273	Carpets and Rugs.
XXXX ...	Curtain and Linen Mills .....			
XXXXX	Curtain and Drapery Mills .....	E	2391	Curtains and Draperies.
XXXXX	Other Household Textile Product Mills	R	*2392	Housefurnishings, NEC (Except Mops and Bags).
XXX .....	Miscellaneous Textile Product Mills:			
XXXX ...	Textile Bags and Canvas Mills:			
XXXXX	Textile Bag Mills .....	R	*2392 2393 2394	Housefurnishings, NEC (Blanket and Laundry Bags). Textile Bags. Canvas and Related Products.
XXXXX	Canvas and Related Product Mills .....	E		
XXXX ...	Other Miscellaneous Textile Product Mills:			
XXXXX	Rope, Cordage and Twine Mills .....	E	2298	Cordage and Twine.
XXXXX	Tire Cord and Tire Fabric Mills .....	E	2296	Tire Cord and Fabrics.
XXXXX	All Other Miscellaneous Textile Product Mills.	R	*2259	Knitting Mills, NEC (Except Apparel).
			*2299 *2395 *2396 *2399	Textile Goods, NEC (Other Textile Products). Pleating and Stitching (Except Apparel Contractors). Automotive and Apparel Trimmings (Textile Products Except Automotive Trim and Printing on Apparel). Fabricated Textile Products, NEC (Except Apparel, Automotive Seat Belts, and Seat Covers).
XX .....	Apparel Manufacturing:			
XXX .....	Men's and Boys' Cut and Sew Apparel Manufacturers and Jobbers:			
XXXX ...	Men's and Boy's Cut and Sew Shirt, except Work Shirt Manufacturers and Jobbers.	R	*2321 *2361	Men's and Boys' Shirts (Except Contractors). Girls' and Children's Dresses, Blouses (Boys' Except Contractors).
XXXX ...	Men's and Boy's Cut and Sew Trouser, Slack, and Jean Manufacturers and Jobbers.	R	*2325	Men's and Boys' Trousers and Slacks (Except Contractors).

TABLE 1—Continued

	1997 NAICS and U.S. description	Status code	1987 SIC code	1987 SIC description
XXXX ...	Men's and Boy's Cut and Sew Work Clothing Manufacturers and Jobbers.	R	*2369	Girls' and Children's Outerwear, NEC (Boys' Except Contractors).
XXXX ...	Men's and Boys' Cut and Sew Suit, Coat, and Overcoat Manufacturers and Jobbers.	R	*2326	Men's and Boys' Work Clothing (Except Contractors).
			*2311	Men's and Boys' Suits and Coats (Except Contractors).
			*2369	Girls' and Children's Outerwear, NEC (Boys' Except Contractors).
XXXX ...	Men's and Boys' Cut and Sew Other Outerwear Manufacturers and Jobbers.	R	*2385	Waterproof Outerwear (Men and Boys' Except Contractors).
			*2329	Men's and Boys' Clothing, NEC (Except Contractors).
			*2369	Girls' and Children's Outerwear, NEC (Boys' Except Contractors).
XXXX ...	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturers and Jobbers.	R	*2385	Waterproof Outerwear (Except Contractors).
			*2322	Men's and Boys' Underwear and Nightwear (Except Contractors).
			*2341	Women's and Children's Underwear (Boys' Except Contractors).
			*2369	Girls' and Children's Outerwear, NEC (Boys' Robes Except Contractors).
XXX ....	Women's and Girls' Cut and Sew Apparel Manufacturers and Jobbers.		*2384	Robes and Dressing Gowns (Men's Except Contractors).
XXXX ...	Women's and Girls' Cut and Sew Blouse and Shirt Manufacturers and Jobbers.	R	*2331	Women's and Misses' Blouses and Shirts (Except Contractors).
			*2361	Girls' and Children's Dresses, Blouses (Girls' Except Contractors).
XXXX ...	Women's and Girls' Cut and Sew Dress Manufacturers and Jobbers	R	*2335	Women's, Juniors', and Misses' Dresses (Except Contractors).
			*2361	Girls' and Children's Dresses, Blouses (Girls' Except Contractors).
XXXX ...	Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket and Skirt Manufacturers and Jobbers.	R	*2337	Women's and Misses' Suits and Coats (Except Contractors).
			*2369	Girls' and Children's Outerwear, NEC (Girls' Except Contractors).
XXXX ...	Women's and Girls' Cut and Sew Other Outerwear Manufacturers and Jobbers.	R	*2385	Waterproof Outerwear (Except Contractors).
			*2339	Women's and Misses' Outerwear, NEC (Except Contractors).
			*2369	Girls' and Children's Outerwear, NEC (Girls' Except Contractors).
			*2385	Waterproof Outerwear (Women's and Girls' Except Contractors).
XXXX ...	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear.	R	*2341	Women's and Children's Underwear (Women and Girls' Except Contractors).
			2342	Bras, Girdles, and Allied Garments (Except Contractors).
			*2369	Girls' and Children's Outerwear, NEC (Girls' Except Contractors).
			*2384	Robes and Dressing Gowns (Women's Except Contractors).
XXX ....	Other Cut and Sew Apparel Manufacturers and Jobbers:		*2389	Apparel and Accessories, NEC (Garter Belts).
XXXX ...	Infants' Cut and Sew Apparel Manufacturers and Jobbers.	R	*2341	Women's and Children's Underwear (Infants' Except Contractors).
			*2361	Girls' and Children's Dresses, Blouses (Infants' Except Contractors).
			*2369	Girls' and Children's Outerwear, NEC (Infants' Except Contractors).
XXXX ...	Fur and Leather Apparel Manufacturers and Jobbers.	N	*2385	Waterproof Outerwear (Infants' Except Contractors).
			2371	Fur Goods.
XXXX ...	All Other Cut and Sew Apparel Manufacturers and Jobbers.	R	2386	Leather and Sheep-lined Clothing.
			*2329	Men's and Boys' Outerwear, NEC (Athletic Uniforms Except Contractors).
			*2339	Women's and Misses' Outerwear, NEC (Athletic Uniforms Except Contractors).
			*2385	Waterproof Outerwear (Except Contractors).
XXX ....	Cut and Sew Apparel Contractors:		*2389	Apparel and Accessories, NEC (Garments).

TABLE 1—Continued

	1997 NAICS and U.S. description	Status code	1987 SIC code	1987 SIC description
XXXX ...	Men's and Boys' Cut and Sew Apparel Contractors.	N	*2311	Men's and Boys' Suits and Coats (Contractors).
			*2321	Men's and Boys' Shirts (Contractors).
			*2322	Men's and Boys' Underwear and Nightwear (Contractors).
			*2325	Men's and Boys' Trousers and Slacks (Contractors).
			*2326	Men's and Boys' Work Clothing (Contractors).
			*2329	Men's and Boys' Clothing, NEC (Contractors).
			*2341	Women's and Children's Underwear (Boys' Contractors).
			*2361	Girls' and Children's Dresses, Blouses (Boys' Contractors).
			*2369	Girls' and Children's Outerwear, NEC (Boys' Contractors).
			*2384	Robes and Dressing Gowns (Men's Contractors).
			*2385	Waterproof Outerwear (Men's and Boy's Contractors).
			*2395	Pleating and Stitching (Men's and Boy's Contractors).
XXXX ...	Women's and Girls' Cut and Sew Apparel Contractors.	N	*2331	Women's and Misses' Blouses and Shirts (Contractors).
			*2335	Women's Juniors', and Misses' Dresses (Contractors).
			*2337	Women's and Misses' Suits and Coats (Contractors).
			*2339	Women's and Misses' Outerwear, NEC (Contractors).
			*2341	Women's and Children's Underwear (Women's and Girls' Contractors).
			*2342	Bras, Girdles, and Allied Garments (Contractors).
			*2361	Girls' and Children's Dresses, Blouses (Girls' Contractors).
			*2369	Girls' and Children's Outerwear, NEC (Girls' Contractors).
			*2384	Robes and Dressing Gowns (Women's Contractors).
			*2385	Waterproof Outerwear (Women's and Girls' Contractors).
			*2389	Apparel and Accessories, NEC (Contractors).
			*2395	Pleating and Stitching (Contractors).
XXX .....	Apparel Knitting Mills:			
XXXX ...	Hosiery and Socks Mills:			
XXXXX	Sheer Hosiery Mills .....	R	2251	Women's Hosiery, except Socks.
XXXXX	Other Hosiery and Socks Mills .....	R	*2252	Hosiery, NEC (Girls' Hosiery).
XXXX ...	Other Apparel Knitting Mills:			
XXXXX	Outerwear Knitting Mills .....	R	2253	Knit Outerwear Mills.
			*2259	Knitting Mills, NEC (Gloves and Mittens).
XXXXX	Underwear and Nightwear Knitting Mills .....	E	2254	Knit Underwear Mills.
			*2259	Knitting Mills, NEC (Girdles).
XXX .....	Apparel Accessories and Other Apparel Manufacturing:			
XXXX ...	Hat, Cap, and Millinery Manufacturing .....	E	2353	Hats, Caps, and Millinery.
XXXX ...	Glove and Mitten Manufacturing .....	R	2381	Fabric Dress and Work Gloves.
			3151	Leather Gloves and Mittens.
XXXX ...	Men's and Boys' Neckwear Manufacturing ....	E	2323	Men's and Boys' Neckwear.
XXXX ...	Apparel Belt, Apparel Accessories and Other Apparel Manufacturing.	N	*2339	Women's and Misses' Outerwear, NEC (Scarves).
			*2385	Waterproof Outerwear (Except Raincoats).
			2387	Apparel Belts.
			*2389	Apparel and Accessories, NEC (Handkerchiefs, Arm Bands, etc.).
			*2396	Automotive and Apparel Trimmings (Apparel Findings and Trimming).
			*2399	Fabricated Textile Products, NEC (Except Automotive Seat Belts, Seat Covers, and Textile Products).
XX .....	Leather and Allied Product Manufacturing:			
XXX .....	Leather and Hide Tanning and Finishing:			
XXXX ...	Leather and Hide Tanning and Finishing .....	R	3111	Leather Tanning and Finishing.
			*3999	Manufacturing Industries, NEC (Fur Dressing and Finishing).
XXX .....	Footwear Manufacturing:			
XXXX ...	Footwear Manufacturing:			
XXXXX	Rubber and Plastic Footwear Manufacturing.	E	3021	Rubber and Plastics Footwear.
XXXXX	House Slipper Manufacturing .....	E	3142	House Slippers.
XXXXX	Men's Footwear Manufacturing, except Athletic.	E	3143	Men's Footwear, except Athletic.
XXXXX	Women's Footwear Manufacturing except Athletic.	E	3144	Women's Footwear, except Athletic.
XXXXX	Other Footwear Manufacturing .....	E	3149	Footwear except Rubber, NEC.
XXX .....	Miscellaneous Leather and Allied Product Manufacturing:			
XXXX ...	Miscellaneous Leather and Allied Product Manufacturing:			

TABLE 1—Continued

	1997 NAICS and U.S. description	Status code	1987 SIC code	1987 SIC description
XXXXX	Luggage Manufacturing .....	E	3161	Luggage.
XXXXX	Women's Handbag and Purse Manufacturing.	E	3171	Women's Handbags and Purses.
XXXXX	Other Miscellaneous Leather Good Manufacturing.	R	*3131	Boot and Shoe Cut Stock and Findings (Except Wood Heels and Metal Buckles).
			3172	Personal Leather Goods, except Women's Handbags and Purses.
			3199	Leather Goods, NEC.

The definitions of status codes are as follows: E—existing industry, N—new industry, R—revised industry; and \* means “part of.” The abbreviation NEC is for Not Elsewhere Classified.

TABLE 2.

1987 SIC Code	1987 SIC Description	1997 U.S. Description
2211@ .....	Broadwoven Fabric Mills, Cotton.	Broadwoven Fabric Mills (pt).
2221@ .....	Broadwoven Fabric Mills, Manmade.	Broadwoven Fabric Mills (pt).
2231@ .....	Broadwoven Fabric Mills, Wool Except Finishing.	Broadwoven Fabric Mills (pt).
	Except Finishing .....	Broadwoven Fabric Mills (pt).
	Finishing .....	Broadwoven Fabric Finishing Mills (pt).
2241 .....	Narrow Woven Fabric Mills .....	Narrow Fabric Mills (pt).
2251@ .....	Women's Hosiery, Except Socks.	Sheer Hosiery Mills (pt).
2252@ .....	Hosiery, NEC:	
	Girls' Hosiery .....	Sheer Hosiery Mills (pt).
	Socks .....	Other Hosiery and Socks Mills.
2253@ .....	Knit Outerwear Mills .....	Outerwear Knitting Mills (pt).
2254 .....	Knit Underwear Mills .....	Underwear and Nightwear Knitting Mills.
2257@ .....	Weft Knit Fabric Mills .....	Weft Knit Fabric Mills.
	Except Finishing .....	Weft Knit Fabric Mills.
	Finishing .....	Textile and Fabric Finishing Mills Except Broadwoven Fabric (pt).
2258@ .....	Lace and Warp Knit Fabric Mills:	
	Except Finishing .....	Other Knit Fabric and Lace Mills.
	Finishing .....	Textile and Fabric Finishing Mills, except Broadwoven Fabric (pt).
2259@ .....	Knitting Mills, NEC:	
	Knit Gloves and Mittens .....	Outerwear Knitting Mills (pt).
	Girdles .....	Underwear and Nightwear Knitting Mills (pt).
	Finished Articles of Weft Knit Fabric.	Weft Knit Fabric Mills (pt).
	Finished Articles of Warp Knit Fabric.	Other Knit Fabric and Lace Mills (pt).
2261@ .....	Finishing Plants, Cotton .....	Broadwoven Fabric Finishing Mills (pt).
2262@ .....	Finishing Plants, Manmade .....	Broadwoven Fabric Finishing Mills (pt).
2269@ .....	Finishing Plants, NEC:	
	Broadwoven Finishing .....	Broadwoven Fabric Finishing Mills (pt).
	Except Broadwoven Finishing.	Textile and Fabric Finishing Mills, except Broadwoven Fabric (pt).
2273 .....	Carpets and Rugs .....	Carpet and Rug Mills.
2281@ .....	Yarn Spinning Mills .....	Yarn Spinning Mills (pt).
2282@ .....	Throwing and Winding Mills:	
	Except Spooling Purchased Yarn.	Yarn Texturing, Throwing and Twisting Mills.
	Spooling Purchased Yarn .....	Textile and Fabric Finishing Mills, except Broadwoven Fabric (pt).
2284@ .....	Thread Mills:	
	Except Finishing .....	Thread Mills (pt).
	Finishing .....	Textile and Fabric Finishing Mills, Except Broadwoven Fabric (pt).
2295@ .....	Coated Fabrics, Not Rubberized.	Fabric Coating Mills (pt).
2296 .....	Tire Cord and Fabrics .....	Tire Cord and Tire Fabric Mills.
2297@ .....	Nonwoven Fabrics .....	Nonwoven Fabric Mills (pt).
2298 .....	Cordage and Twine .....	Rope, Cordage and Twine Mills.
2299@ .....	Textile Goods, NEC:	
	Broadwoven Fabric of Hard Fibers.	Broadwoven Fabric Mills (pt).
	Nonwoven Felt .....	Nonwoven Fabric Mills (pt).

TABLE 2.—Continued

1987 SIC Code	1987 SIC Description	1997 U.S. Description
	Finishing Hard Fiber Thread and Yarn.	Textile and Fabric Finishing Mills, except Broadwoven Fabric (pt).
	Narrow Woven Fabric of Hard Fibers.	Narrow Fabric Mills (pt).
	Thread of Hard Fibers .....	Thread Mills (pt).
	Yarn of Hard Fibers .....	Yarn Spinning Mills (pt).
	Other Textile Goods .....	All Other Miscellaneous Textile Product Mills (pt).
2311@ .....	Men's and Boys' Suits and Coats:	
	Contractors .....	Men's and Boys' Cut and Sew Suit, Coat, and Overcoat Manufacturers and Jobbers (pt).
	Except Contractors .....	Men's and Boys' Cut and Sew Apparel Contractors (pt).
2321@ .....	Men's and Boys' Shirts:	
	Contractors .....	Men's and Boys' Cut and Sew Apparel Contractors (pt).
	Except Contractors .....	Men's and Boys' Cut and Sew Shirt, except Work Shirt Manufacturers and Jobbers (pt).
2322@ .....	Men's and Boys' Underwear and Nightwear:	
	Contractors .....	Men's and Boys' Cut and Sew Apparel Contractors (pt).
	Except Contractors .....	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturers and Jobbers (pt).
2323 .....	Men's and Boys' Neckwear .	Men's and Boys' Neckwear.
2325@ .....	Men's and Boys' Trousers and Slacks:	
	Contractors .....	Men's and Boys' Cut and Sew Apparel Contractors (pt).
	Except Contractors .....	Men's and Boys' Cut And Sew Trouser, Slack, And Jean Manufacturers and Jobbers (pt).
2326@ .....	Men's and Boys' Work Clothing:	
	Contractors .....	Men's and Boys' Cut and Sew Apparel Contractors (pt).
	Except Contractors .....	Men's and Boys' Cut and Sew Work Clothing Manufacturers and Jobbers.
2329@ .....	Men's and Boys' Clothing, NEC:	
	Contractors .....	Men's and Boys' Cut and Sew Apparel Contractors (pt).
	Except Contractors .....	Other Men's and Boys' Cut and Sew Outerwear Manufacturers and Jobbers (pt).
	Athletic Uniforms .....	All Other Cut and Sew Apparel (pt).
2331@ .....	Women's and Misses' Blouses and Shirts:	
	Contractors .....	Women's and Girls' Cut and Sew Apparel Contractors (pt).
	Except Contractors .....	Women's and Girls' Cut and Sew Blouse and Shirt Manufacturers and Jobbers (pt).
2335@ .....	Women's, Junior's, and Misses' Dresses:	
	Contractors .....	Women's and Girls' Cut and Sew Apparel Contractors (pt).
	Except Contractors .....	Women's and Girls' Cut and Sew Dress Manufacturers and Jobbers (pt).
2337@ .....	Women's and Misses' Suits and Coats:	
	Contractors .....	Women's and Girls' Cut and Sew Apparel Contractors (pt).
	Except Contractors .....	Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket, and Skirt Manufacturers and Jobbers (pt).
2339@ .....	Women's and Misses' Outerwear, NEC:	
	Scarves .....	Apparel Belt, Apparel Accessories and Other Apparel Manufacturing (pt).
	Contractors .....	Women's and Girls' Cut and Sew Apparel Contractors (pt).
	Except Contractors .....	Women's and Girls' Cut and Sew Outerwear Manufacturers and Jobbers (pt).
	Athletic Uniforms .....	All Other Cut and Sew Apparel Manufacturers and Jobbers (pt).
2341@ .....	Women's Underwear:	
	Women and Girls' Contractors.	Women's and Girls' Cut and Sew Apparel Contractors (pt).
	Boys' Contractors .....	Men's and Boys' Cut and Sew Apparel Contractors (pt).
	Women's and Girls', Except Contractors.	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturers and Jobbers (pt).
	Boys' Except Contractors ....	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturers and Jobbers (pt).
	Infants' .....	Infants' Cut and Sew Apparel Manufacturers and Jobbers (pt).
2342@ .....	Bras, Girdles, and Allied Garments:	
	Contractors .....	Women's and Girls' Cut and Sew Apparel Contractors (pt).
	Except Contractors .....	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturers and Jobbers (pt).
2353 .....	Hats, Caps, and Millinery .....	Hat, Cap, and Millinery Manufacturing.
2361@ .....	Girls' and Children's Dresses, Blouses:	
	Infants' Dresses, Blouses, and Shirts.	Infants' Cut and Sew Apparel Manufacturers and Jobbers (pt).
	Boys' Shirts .....	Men's and Boys' Cut and Sew Shirt, except Work Shirt Manufacturers and Jobbers (pt).
	Girls' Blouses and Shirts ....	Women's and Girls' Cut and Sew Blouse and Shirt Manufacturers and Jobbers (pt).
	Girls' Dresses .....	Women's and Girls' Cut and Sew Dress Manufacturers and Jobbers (pt).

TABLE 2.—Continued

1987 SIC Code	1987 SIC Description	1997 U.S. Description
2369@ .....	Girls' Contractors .....	Women's and Girls' Cut and Sew Apparel Contractors (pt).
	Girls' and Children's Outerwear, NEC:	
	Infants' Outerwear, NEC .....	Infants' Cut and Sew Apparel Manufacturers and Jobbers (pt).
	Boys' Suits and Coats .....	Men's and Boys' Cut and Sew Suit, Coat, and Overcoat Manufacturers and Jobbers (pt).
	Boys' Trousers and Slacks .....	Men's and Boys' Cut and Sew Trouser, Slack, and Jean Manufacturers and Jobbers (pt).
	Boys' Outerwear, NEC .....	Other Men's and Boys' Cut and Sew Outerwear Manufacturers and Jobbers (pt).
	Boys' Robes .....	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturers and Jobbers (pt).
	Boys' Contractors .....	Men's and Boys' Cut and Sew Apparel Contractors (pt).
	Girls' Suits, Coats, Skirts, Etc..	Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket, and Skirt Manufacturers and Jobbers (pt).
	Girls' Outerwear, NEC .....	Women's and Girls' Cut and Sew Outerwear Manufacturers and Jobbers (pt).
	Girls' Robes .....	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturers and Jobbers (pt).
2371 .....	Girls' Contractors .....	Women's and Girls' Cut and Sew Apparel Contractors (pt).
2381@ .....	Fur Goods .....	Fur and Leather Apparel Manufacturing (pt).
2384@ .....	Fabric Dress and Work Gloves	Glove and Mitten Manufacturing (pt).
	Robes and Dressing Gowns:	
	Women's Except Contractors.	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturers and Jobbers (pt).
	Men's Except Contractors ...	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturers and Jobbers (pt).
	Men's and Boys' Contractors.	Men's and Boys' Cut and Sew Apparel Contractors.
	Women's and Girls' Contractors.	Women's and Girls' Cut and Sew Apparel Contractors.
2385@ .....	Waterproof Outerwear:	
	Raincoats (Men's and Boys')	Men's and Boys' Cut and Sew Suit, Coat, and Overcoat Manufacturers and Jobbers (pt).
	Raincoats (Women's and Girls').	Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket, and Skirt Manufacturers and Jobbers (pt).
	Other Men's and Boys' Outerwear.	Men's and Boys' Cut and Sew Outerwear Manufacturers and Jobbers.
	Other Women's and Girls' Outerwear.	Women's and Girls' Cut and Sew Outerwear Manufacturers and Jobbers.
	Infants' Waterproof Outerwear Except Contractors.	Infants' Cut and Sew Apparel Manufacturers and Jobbers.
	Aprons, Bibs, and Other Miscellaneous Waterproof Items.	Apparel Belt, Apparel Accessories, and Other Apparel Manufacturing (pt).
	Contractors (Men's and Boys').	Men's and Boys' Cut and Sew Apparel Contractors (pt).
	Contractors (Women's and Girls').	Women's and Girls' Cut and Sew Apparel Contractors (pt).
2386@ .....	Leather and Sheep-Lined Clothing.	Fur and Leather Apparel Manufacturing (pt).
2387@ .....	Apparel Belts .....	Apparel Belt, Apparel Accessories, and Other Apparel Manufacturing (pt).
2389@ .....	Apparel and Accessories, NEC:	
	Handkerchiefs, Arm bands, etc.	Apparel Belt, Apparel Accessories, and Other Apparel Manufacturing (pt).
	Academic/Clerical Outerwear.	All Other Cut and Sew Outerwear Manufacturers and Jobbers (pt).
	Garters and Garter Belts .....	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturers and Jobbers (pt).
	Women's Contractors .....	Women's and Girls' Cut and Sew Apparel Contractors (pt).
	Men's Contractors .....	Mens' and Boys' Cut and Sew Apparel Contractors (pt).
2391 .....	Curtains and Draperies .....	Curtain and Drapery Mills.
2392@ .....	Housefurnishings, NEC:	
	Blanket and Laundry Bags ..	Textile Bag Mills (pt).
	Mops .....	Broom and Brush Manufacturing (pt).
	Other Housefurnishings .....	Other Household Textile Product Mills (pt).
2393@ .....	Textile Bags .....	Textile Bag Mills (pt).
2394 .....	Canvas and Related Product Mills.	Canvas and Related Product Mills.
2395@ .....	Pleating and Stitching:	
	Pleating and Stitching, Except Apparel Contractors.	All Other Miscellaneous Textile Product Mills (pt).
	Apparel Contractors (Men's)	Men's and Boys' Cut and Sew Apparel Contractors (pt).
	Apparel Contractors (Women's).	Women's and Girls' Cut and Sew Apparel Contractors (pt).
2396@ .....	Automotive and Apparel Trim-mings:	



TABLE 2.—Continued

1987 SIC Code	1987 SIC Description	1997 U.S. Description
	Apparel Findings and Trimmings.	Motor Vehicle Fabric Accessory and Seat Manufacturing (pt) (Included in the Transportation Equipment Manufacturing subsector).
	Automotive Trimmings .....	Motor Vehicle Fabric Accessory and Seat Manufacturing (pt) (Included in the Transportation Equipment Manufacturing subsector).
	Printing On Apparel .....	Other Commercial Printing (Included in the Printing and Related Support Activities subsector).
	Other Trimmings and Findings.	All Other Miscellaneous Textile Product Mills (pt).
2397 .....	Schiffli Machine Embroideries	Schiffli Machine Embroideries.
2399@ .....	Fabricated Textile Products, NEC:	
	Aprons, Money Belts, and Diapers.	Apparel Belt, Apparel Accessories, and Other Apparel Manufacturing (pt).
	Seat Belts and Seat and Tire Covers.	Motor Vehicle Fabric Accessory and Seat Manufacturing (pt) (Included in the Transportation Equipment Manufacturing subsector).
	Other Fabricated Textile Products.	All Other Miscellaneous Textile Product Mills (pt).
3111 .....	Leather Tanning and Finishing	Leather and Hide Tanning and Finishing.
3131@ .....	Footwear Cut Stock:	
	Wood Heels .....	All Other Miscellaneous Wood Product Manufacturing (Included in the Wood Product Manufacturing, except Furniture subsector).
	Metal Buckles .....	Fastener, Button, Needle and Pin Manufacturing (Included in Miscellaneous Manufacturing subsector) (pt).
	Other Footwear Cut Stock ..	Other Miscellaneous Leather and Allied Product Manufacturing (pt).
3142 .....	House Slippers .....	House Slipper Manufacturing.
3143 .....	Men's Footwear, Except Athletic.	Men's Footwear Manufacturing, Except Athletic.
3144 .....	Women's Footwear, Except Athletic.	Women's Footwear Manufacturing, Except Athletic.
3149 .....	Footwear, Except Rubber, NEC.	Other Footwear Manufacturing.
3161 .....	Luggage .....	Luggage Manufacturing.
3171 .....	Women's Handbags and Purses.	Women's Handbag and Purse Manufacturing.
3172@ .....	Personal Leather Goods, NEC	Other Miscellaneous Leather Good Manufacturing (pt).
3199@ .....	Leather Goods, NEC .....	Other Miscellaneous Leather Good Manufacturing (pt).

The abbreviation "pt" means "part of"; @ means time series break has been created that is greater than 3% of the 1992 value of shipments for the 1987 SIC industry. The abbreviation NEC is used for Not Elsewhere Classified.

### Description of Changes to the U.S. System

1. *Subsector Structure*—Three industry subsectors replace 1987 Major Groups 22, Textile Mill Products and 23, Apparel and Other Textile Products.

The Textile Mills subsector includes the activities of fiber and yarn preparation and finishing, fabric forming, and fabric finishing. It includes 1987 SIC Industry Groups 221, Broadwoven Fabric Mills, Cotton; 222, Broadwoven Fabric Mills, Manmade Fiber and Silk; 223, Broadwoven Fabric Mills, Wool; 224, Narrow Fabric Mills; 226, Textile Finishing, except Wool; and 228, Yarn and Thread Mills. It also includes 1987 SIC codes 2257, Weft Knit Fabric Mills; 2258, Lace and Warp Knit Fabric Mills; 2295, Coated Fabrics; 2297, Nonwoven Fabrics; and 2397, Schiffli Machine Embroideries.

The Textile Product Mills subsector includes the activities of manufacturing finished textile products other than apparel. It includes 1987 SIC Industry Groups 227, Carpets and Rugs; 1987 SIC industries 2296, Tire Cord and Tire

Fabric; 2298, Cordage and Twine; 2391, Curtains and Draperies; 2392, Housefurnishings, NEC; 2393, Textile Bags; 2394, Canvas and Related Products; and 2399, Fabricated Textile Products, NEC.

The Apparel Manufacturing subsector includes the activities of manufacturing apparel. It includes the 1987 SIC Industry Groups 231, Men's and Boys' Suits and Coats; 232, Men's and Boys' Furnishings; 233, Women's and Misses' Outerwear; 234, Women's and Children's Undergarments; 235, Hats, Caps and Millinery; 236, Girls' and Children's Outerwear; 237, Fur Goods; and 238, Miscellaneous Apparel and Accessories. It also includes 1987 SIC industries 2251, Women's Hosiery, except Socks; 2252, Hosiery, NEC; 2253, Knit Outerwear Mills; and 2254, Knit Underwear Mills.

This structure represents the flow of activities through the various textile and apparel industries. It was strongly supported by several segments of the industry and agreed to by both Canada and Mexico.

The total number of industries for these subsectors is 44 and unchanged from 1987 to 1997. There are six new industries for these subsectors. For time series linkage, eleven of the 1987 industries are comparable within three percent of the 1997 industries.

2. *Textile Mills*—Two new industries were added to the 1997 national industry structure for this subsector. New industries were created for:

Broadwoven Fabric Mills from 1987 SIC 2211, Broadwoven Fabric Mills, Cotton; 1987 SIC 2221, Broadwoven Fabric Mills, Manmade; part of 1987 SIC 2231, Broadwoven Fabric Mills, Wool; and part of 1987 SIC 2299, Textile Goods, NEC. These industries include establishments that weave yarn into fabric. In the past, the weaving industries were separated by type of yarn used, e.g., cotton, manmade, etc. and this resulted in substantial industry switching and classification problems.

Broadwoven Fabric Finishing Mills from 1987 SIC 2261, Finishing Plants, Cotton; 1987 SIC 2262, Finishing Plants, Manmade; and part of 1987 SIC 2231,

Broadwoven Fabric Mills, Wool. As with weaving above, these industries are made up of establishments that perform the same activity, finishing of textile fabric.

Three activities were transferred into the 1997 Textile Mills subsector.

Broadwoven converters were transferred from part of 1987 Wholesale Trade SIC 5131, Piece Goods and Notions, into part of NAICS industry Broadwoven Fabric Finishing. This entrepreneurial function is more closely related to manufacturing than wholesaling.

Converters, except broadwoven were transferred from part of 1987 Wholesale Trade SIC 5131, Piece Goods and Notions, into the new industry Finishing, Except Broadwoven Fabric Finishing. This entrepreneurial function is more closely related to manufacturing than wholesaling.

Rubberized fabric was transferred from part of 1987 SIC 3069, Fabricated Rubber Products, NEC, into Fabric Coating Mills because coating fabric is the same activity regardless of the material used.

Five activities included in this 1997 subsector were transferred from one industry to another within the Textile Mills subsector.

Yarn of hard fiber was transferred from part of 1987 SIC 2299, Textile Goods, NEC, into Yarn Spinning Mills because there is no difference in the spinning activity.

Thread of hard fiber was transferred from part of 1987 SIC 2299, Textile Goods, NEC, into Thread Mills because the production of thread does not vary by type of fiber.

Broadwoven fabric of hard fiber was transferred from part of 1987 SIC 2299, Textile Goods, NEC, into Broadwoven Fabric Mills because there is no difference in the weaving activity.

Narrow fabric of hard fiber was transferred from part of 1987 SIC 2299, Textile Goods, NEC, into Narrow Fabric Mills because of the same reason shown above.

Felt transferred from part of 1987 SIC 2299, Textile Goods, NEC, into Nonwoven Fabric Mills because it is one of several ways to manufacture nonwoven fabric.

The number of textile mills industries for 1997 is 12. For time series linkage, only one of the 1987 industries is comparable within three percent of 1997 industries.

3. *Textile Product Mills*—There were no new industries created for this subsector. One activity transferred out of this subsector.

Mops were transferred from part of 1987 SIC 2392, House Furnishings,

NEC, into Broom and Brush Manufacturing in the Miscellaneous Manufacturing subsector to achieve international comparability.

One activity included in the 1997 Textile Product Mills subsector was transferred between industries.

Knit gloves and girdles were transferred from part of 1987 SIC 2259, Knitting Mills, NEC, into All Other Miscellaneous Textile Product Mills as a function of a textile product mill rather than a basic textile mill.

There are eight industries in the 1997 Textile Product Mills subsector. For time series linkage, six of the 1987 industries are comparable within three percent of the 1997 industries.

4. *Apparel Manufacturing*—Four new industries were created for this 1997 industry subsector.

Men's and Boys' Cut and Sew Apparel Contractors from parts of the 1987 Men's and Boys', Children's and Miscellaneous Apparel industries. This industry was created because the production function of contractors is so different than that of manufacturers and jobbers.

Women's and Girls' Cut and Sew Apparel Contractors from parts of the 1987 Women's, Girls', Children's, and Miscellaneous Apparel industries. This industry was created because the production function of contractors is so different than that of manufacturers and jobbers.

Fur and leather clothing from the 1987 SIC 2386, Leather and Sheep Lined Clothing, and fur apparel from part of 1987 SIC 2371, Fur Goods. Both of these industries are very small and somewhat similar in function.

Apparel Belt, Accessories and Other Apparel Manufacturing from 1987 SIC 2387, Apparel Belts; 1987 SIC 2396, Automotive and Apparel Trimmings; and 1987 SIC 2399, Fabricated Textile Products, NEC. This is essentially a new all other category that was created from pieces left from several industries.

Three activities were transferred from 1987 Major Group, Apparel and Other Textile Products.

Seat belts and seat and tire covers were transferred from part of 1987 SIC 2399, Fabricated Textile Products, NEC, into Motor Vehicle Fabric Accessory and Seat Manufacturing in the Transportation Equipment Manufacturing subsector to achieve international comparability. Canada and Mexico already have these activities associated with motor vehicle manufacturing.

Automotive trimmings were transferred from part of 1987 SIC 2396, Automotive and Apparel Trimmings, into Motor Vehicle Fabric Accessory

and Seat Manufacturing in the Transportation Equipment Manufacturing subsector to achieve international comparability. Canada and Mexico already have these activities associated with motor vehicle manufacturing.

Printing on apparel was transferred from part of 1987 SIC 2396, Automotive and Apparel Trimming, into Other Commercial Printing in the Printing and Related Support Activities subsector to be shown later. This was done to achieve international comparability. Mexico's establishments do printing without regard to the material.

One activity was transferred into this subsector.

Leather gloves and mittens were transferred from 1987 Major Group 31, Leather and Leather Products, into Glove and Mitten Manufacturing to achieve international comparability. Canada cannot separate the production of leather gloves and mittens from fabric gloves and mittens because the leather activity is too small.

Also there were a large number of activities that transferred to other industries within the textiles and apparel subsectors. Some of the more significant of these are:

Little boys' apparel was transferred from parts of 1987 SIC codes 2341, Women's and Children's Underwear; 2361, Girls' and Children's Dresses, Blouses, and Shirts; and 2369, Girls' and Children's Outerwear, NEC, to parts of various industries for men's and boys' apparel because of the overlap with manufacturers of men's and boys' clothing.

Cut and sew contractors were transferred from each of the 1987 SIC codes for outerwear and underwear into the two new industries for contractors. This industry was created because the production function of contractors is so different than that of manufacturers and jobbers.

There are 24 industries included in Apparel Manufacturing. For time series comparability, four 1987 industries are comparable within three percent of 1997.

5. *Leather and Allied Product Manufacturing*—Three activities were transferred out of the subsector.

Wood heels were transferred from part of 1987 SIC 3131, Footwear Cut Stock, into All Other Miscellaneous Wood Product Manufacturing to be published separately to achieve international comparability. Canada and Mexico had these classified elsewhere.

Metal buckles were transferred from part of the 1987 SIC 3131, Footwear Cut Stock, into Fastener, Button, Needle, and Pin Manufacturing in the

Miscellaneous Manufacturing subsector to be published separately, to achieve international comparability. Canada and Mexico had these classified elsewhere.

Leather gloves and mittens were transferred into Glove and Mitten Manufacturing for international comparability.

Two activities were transferred into NAICS Leather and Allied Product Manufacturing.

Fur dressing and finishing was transferred from part of 1987 SIC 3999 Manufacturing Industries, NEC, into Leather and Hide Tanning and Finishing to achieve international comparability. The U.S. changed in order to agree with Canada and Mexico.

Rubber and plastic footwear was transferred from the 1987 Major Group 30, Rubber and Miscellaneous Plastics Products, into this subsector to achieve international comparability. Canada and Mexico do not distinguish footwear manufacturing based on material.

Also, there were several activities that transferred within the leather and allied product manufacturing industries. The number of leather and allied product manufacturing industries decreased from 11 in 1987 to 7 in 1997. For time series linkage, 7 of the 11 1987 industries are comparable within three percent of the 1997 industries.

#### PART III—Proposed New Industry Structure for Food Manufacturing and Beverage and Tobacco Product Manufacturing

##### Section A—NAICS Structure

North American Industry Classification System (NAICS)  
Agreement Number 6

This Document represents the proposed agreement on the structure of the North American Industry Classification System (NAICS) for the following industries:

Food Manufacturing  
Beverage and Tobacco Product Manufacturing

The detailed NAICS structure along with a brief description of the structure is attached (Attachments 1 and 2). Each country agrees to release a copy of the proposed NAICS structure to interested data users. Comments received will be shared among the countries and discussions held before a final decision on the structure is made. Each country may add additional detailed industries, below the 4-digit level of NAICS, as necessary to meet national needs, so long as this additional detail aggregates to a 4-digit NAICS level in order to ensure full comparability among the three countries. This NAICS structure was presented and provisionally

accepted at the NAICS Committee meeting held on August 30, 1995 through September 1, 1995 in Washington, DC.

Accepted	Signature	Date
Canada .....	/S/ Jacob Ryten.	9/1/95
Mexico .....	/S/ Enrique Ordaz.	9/1/95
United States ..	/S/ Jack E. Triplett.	9/1/95

##### Attachment 1—NAICS Structure

XX Food Manufacturing  
 XXX Animal Food Manufacturing  
 XXXX Animal Food Manufacturing  
 XXX Grain and Oilseed Milling  
 XXXX Flour Milling and Malt Manufacturing  
 XXXX Starch and Vegetable Fats and Oils Manufacturing  
 XXXX Breakfast Cereal Manufacturing  
 XXX Sugar and Confectionery Product Manufacturing  
 XXXX Sugar Manufacturing  
 XXXX Chocolate and Confectionery Manufacturing from Cocoa Beans  
 XXXX Confectionery Manufacturing from Purchased Chocolate  
 XXXX Non-Chocolate Confectionery Manufacturing  
 XXX Preserved Fruit, Vegetable, and Specialty Manufacturing  
 XXXX Frozen Food Processing  
 XXXX Canning, Pickling and Drying  
 XXX Dairy Product Manufacturing  
 XXXX Dairy Product, Except Frozen Dairy Product Manufacturing  
 XXXX Ice Cream and Frozen Dessert Manufacturing  
 XXX Meat and Seafood Product Manufacturing  
 XXXX Animal Slaughtering and Processing  
 XXXX Seafood Product Preparation and Packaging  
 XXX Bakeries and Tortilleries  
 XXXX Bread and Bakery Product Manufacturing  
 XXXX Cookie, Cracker, and Pasta Manufacturing  
 XXXX Tortilleries  
 XXX Miscellaneous Food Manufacturing  
 XXXX Snack Food Manufacturing  
 XXXX Coffee and Tea Manufacturing  
 XXXX Flavoring Syrup and Concentrate Manufacturing  
 XXXX Seasoning and Dressing Manufacturing  
 XXXX Other Miscellaneous Food Manufacturing  
 XX Beverage and Tobacco Product Manufacturing  
 XXX Beverage Manufacturing  
 XXXX Soft Drink and Ice Manufacturing  
 XXXX Breweries  
 XXXX Wineries  
 XXXX Distilleries  
 XXX Tobacco Manufacturing  
 XXXX Tobacco Stemming and Redrying  
 XXXX Tobacco Product Manufacturing

##### Attachment 2—North American Industry Classification System

Draft Classification for:  
Food Manufacturing  
Beverage and Tobacco Product Manufacturing

Representatives of the statistical agencies of Canada, Mexico, and the United States agree to a draft industrial classification for these industries.

The draft classification provides for two subsectors, Food Manufacturing and Beverage and Tobacco Product Manufacturing. These subsectors are sub-divided into ten industry groups and twenty eight industries. The subsectors are part of the Manufacturing sector of the classification.

##### A General Outline

Food Manufacturing includes establishments that transform livestock and agricultural products into products for intermediate or final consumption. The industry groups are distinguished by the processes and the nature of the raw materials used. The first two categories, Animal Food Manufacturing and Grain and Oilseed Milling, are characterized by the grinding process. Excluded from this industry group is the nixtamal milling carried out in Mexico, due to the integration of this activity with the preparation of corn tortillas.

The Sugar and Confectionery Product Manufacturing industry group includes establishments that process agricultural inputs such as sugar cane, beet, and cocoa to give rise to a new product (sugar or chocolate) and those that begin with sugar and chocolate and process these further.

The Preserved Fruit, Vegetable and Specialty Manufacturing industry group includes two types of establishments: those that freeze food and those that combine preservation processes such as pickling, canning, dehydrating and so forth. Both types begin their productive process with inputs of vegetable or animal origin.

The establishments that manufacture dairy products and meat products are defined by the inputs used: milk and meat, respectively.

Industry group, Bakeries and Tortilleries have a common denominator, the kneading and cooking process that takes place in ovens or flat earthenware pans. In this industry group is the nixtamal mill.

The industry group Miscellaneous Food Manufacturing includes industries with different productive processes such as snack food manufacturing; coffee and tea manufacturing; concentrate, syrup, condiment, and spice manufacturing; and in general an

entire range of other miscellaneous products.

The Beverage and Tobacco Product Manufacturing subsector has two industry groups. The first one, Beverage Manufacturing, includes three types of establishments: those that manufacture non-alcoholic beverages; those that manufacture alcoholic beverages through the fermentation process; and those that produce distilled alcoholic beverages. Ice manufacturing, while not a beverage, is included with non-alcoholic beverage manufacturing because it is the same production process as water purification.

In the case of activities related to the manufacture of beverages, the structure follows the defined productive processes. Brandy, a distilled beverage, was not placed under distillery product manufacturing, but rather under the NAICS class for winery product manufacturing since the productive process used in the manufacturing of alcoholic grape-based beverages, produces both wines (fermented beverage) and brandies (distilled beverage).

The second industry group, Tobacco Product Manufacturing, includes two types of establishments: those engaged in redrying and stemming tobacco and those that manufacture cigarettes and cigars.

#### *Limitations and Constraints of the Classification*

There are a few factors that constrained the structure and detail of the classification in the area under consideration. In the Food Manufacturing subsector, most activities that were identified in one country exist in the others. However, the way activities are combined in establishments differs to some extent in the different countries. For example, in Canada and the United States, corn oil is produced in the same establishments that manufacture corn starch and corn sweeteners. In Mexico, corn oil is produced in specialized establishments. All of the establishments that produce these products along with those producing other vegetable fats and oils, are combined into one NAICS industry, Starch and Vegetable Fats and Oils Manufacturing. Each country will publish additional categories that comprise sub-divisions of NAICS industries to present data for activities that are nationally significant.

For those users requiring detailed commodity information, each country will publish information on products of these industries. Efforts are also underway to harmonize the commodity

classifications to allow comparability of these statistics.

#### *Relationship of ISIC*

Most 4-digit NAICS industries in these subsectors are contained within Division 15, Manufacture of Food Products, of the current International Standard Industrial Classification of all Economic Activities (ISIC, Revision 3) of the United Nations. The following NAICS industry cannot be assigned to an ISIC division. Wineries that grow their own grapes and then manufacture wine are classified in ISIC as an agriculture activity and in NAICS as a manufacturing activity.

#### *Some Changes to the National Classifications*

A significant change for all three countries is the inclusion of malt manufacturing in the NAICS industry Flour Milling and Malt Manufacturing. Malt was formerly included in the beer manufacturing industry in Mexico and the United States and in Miscellaneous Manufacturing in Canada, but was moved to the flour milling and malt manufacturing NAICS industry because the production process used to manufacture malt is similar to that of the flour milling industry.

Grouping the production of starches and vegetable fats and oils in a single class also is a significant change for all three countries. In Canada and the United States, corn oil is produced in the same establishments that produce starch products, while in Mexico, corn oil is produced in establishments that manufacture vegetable fats and oils. Thus, the difference in the production processes across the three countries necessitated this grouping.

The creation of two industries for chocolate and confectionary products made from cocoa beans and confectionery made from purchased chocolate is a change for Canada since these industries were previously combined. The NAICS industry Non-Chocolate Confectionery Manufacturing is new for all three countries, and includes chewing gum.

Other Miscellaneous Food Manufacturing includes the preparation of food to be consumed fresh (e.g., salads, sandwiches, etc. that are sold for immediate or almost immediate consumption). It is characterized by the preparation of food in volume that the manufacturer sells to a specialized establishment that sells it either through a service or a retail establishment. It is not specifically defined in the existing classification systems of the three countries.

The inclusion of bakeries that prepare the dough, bake the bread, and sell on the premises in manufacturing is a major change for Canada and the United States. These establishments formerly were included in the retail sector in both countries. The manufacture of ice, an activity that up to now had been considered by the three countries to be part of food, has been transferred to beverage manufacturing.

The grouping of Beverage and Tobacco Manufacturing into a subsector represents a major restructuring for all three countries. In Canada, the current two-digit groups for Beverages (CSIC 10, 11) and Tobacco (CSIC 12) have been combined in one NAICS subsector, Beverage and Tobacco Product Manufacturing. For Mexico, the current subsector Food Products, Beverages, and Tobacco has been split into two subsectors. In the United States, tobacco is a separate two-digit major group (Major Group 21, Tobacco Products) while beverages is a three-digit industry group, (Industry Group 208, Beverages).

#### *Achievement of Objectives*

The classification meets the objectives for the North American Industry Classification System (NAICS). It is comprised of industries that group establishments with similar production processes, that is, it applies the production-oriented economic concept. In the main, the hierarchical structure of the classification also follows the production concept.

The classification achieves comparability for the three participating countries. Based on existing data, all three countries expect to be able to publish data regularly at the industry (4-digit) level of the structure. All countries agree on the detailed definitions of the industries.

The classification improves comparability with other countries. Most industries are compatible with the two-digit level of the current International Standard Industrial Classification of all Economic Activities (ISIC, Revision 3) of the United Nations. This means that each comparable NAICS industry is the same as, or part of, a single ISIC two-digit Division.

Other objectives of the NAICS project are not as relevant in this area of the classification as in others. These objectives are the delineation of new and emerging industries, service industries and industries engaged in the production of advanced technologies. The industrial sector in question is relatively mature, generally produces goods, and employs relatively stable technology. Therefore, the emphasis was on the objectives listed above.

The industries have high specialization ratios, and with the exception of tortillas in Canada, they are economically significant. The detail (4-digit) and structure of the classification are balanced in size. This enhances the classification's suitability for sampling and other aspects of survey operations. Finally, disruptions to time series, while they exist, have been minimized. Most of the changes to existing classifications are marginal. The major changes are well-identified and can be taken into account in linking time series.

*Section B-Annex: United States National Industry Detail*

As explained in the *Structure* presentation of this notice, for a number of reasons 4-digit industries in the two NAICS industry subsectors presented in *Part 1, Section A—Attachment 1*, contain less detail than is currently in the U.S. SIC system, and less detail than is required to meet important analytical requirements in the U.S. The three country agreement on NAICS envisions that each country may develop national

detailed industries below the NAICS industry level, so long as the national detail can be aggregated to the NAICS classification, thus assuring full North American comparability.

The ECPC is proposing U.S. 5-digit industry detail for the two NAICS industry subsectors covered in Part I of this notice. For cases where no 5-digit detail is shown, the ECPC is proposing that NAICS 4-digit industries will also represent the most detailed U.S. industries.

TABLE 1.

	1997 NAICS and US Description	Status code	1987 SIC code	1987 SIC Description
XX .....	Food Manufacturing:		.....	
XXX .....	Animal Food Manufacturing:		.....	
XXXX .....	Animal Food Manufacturing:		.....	
XXXXX .....	Dog and Cat Food Manufacturing .....	E	2047	Dog and Cat Food.
XXXXX .....	Other Animal Food Manufacturing .....	R	*2048	Prepared Feeds, NEC (Except Slaughtering Animals for Pet Food).
XXX .....	Grain and Oilseed Milling:		.....	
XXXX .....	Flour Milling and Malt Manufacturing .....		.....	
XXXXX .....	Flour Milling .....	R	*2034	Dehydrated Fruits, Vegetables and Soups (Vegetable Flour).
			2041	Flour and Other Grain Mill Products.
XXXXX .....	Rice Milling .....	E	2044	Rice Milling.
XXXXX .....	Malt Manufacturing .....	E	2083	Malt.
XXXX .....	Starch and Vegetable Fats and Oils Manufacturing:			
XXXXX .....	Soybean Processing .....	E	2075	Soybean Oil Mills.
XXXXX .....	Wet Corn Milling .....	E	2046	Wet Corn Milling.
XXXXX .....	Other Oilseed Processing .....	N	2074	Cottonseed Oil Mills.
			2076	Vegetable Oil Mills, NEC.
XXXXX .....	Edible Fats and Oils Manufacturing .....	R	*2077	Animal and Marine Fat and Oil (Vegetable Oil Foods).
			2079	Edible Fat and Oil, NEC.
XXXX .....	Breakfast Cereal Manufacturing .....	E	*2043	Cereal Breakfast Foods (Breakfast Cereal).
XXX .....	Sugar and Confectionery Product Manufacturing:			
XXXX .....	Sugar Manufacturing:			
XXXXX .....	Sugarcane Mills .....	E	2061	Raw Cane Sugar.
XXXXX .....	Cane Sugar Refining .....	E	2062	Cane Sugar Refining.
XXXXX .....	Beet Sugar Manufacturing .....	E	2063	Beet Sugar.
XXXX .....	Chocolate and Confectionery Manufacturing from Cocoa Beans.	E	2066	Chocolate and Cocoa Products.
XXXX .....	Confectionery Manufacturing from Purchased Chocolate.	N	*2064	Candy and Other Confectionery Products (Chocolate Confectionery).
XXXX .....	Non-Chocolate Confectionery Manufacturing ....	N	*2064	Candy and Other Confectionery Products (Non-Chocolate Confectionery).
			2067	Chewing Gum.
			*2099	Food Preparations, NEC (Marshmallow Creme).
XXX .....	Preserved Fruit, Vegetable, and Specialty Manufacturing:			
XXXX .....	Frozen Food Processing:			
XXXXX .....	Frozen Fruit, Juice, and Vegetable Processing.	E	2037	Frozen Fruits and Vegetables.
XXXXX .....	Frozen Specialty Processing .....	E	2038	Frozen Specialties, NEC.
XXXX .....	Canning, Pickling, and Drying:			
XXXXX .....	Fruit and Vegetable Canning .....	R	2033	Canned Fruits and Vegetables.
			*2035	Sauces, and Salad Dressings (Pickled Fruits and Vegetables).
XXXXX .....	Specialty Canning .....	R	*2032	Canned Specialties (Except Canned Puddings).
XXXXX .....	Dried and Dehydrated Food Manufacturing ...	R	2034	Dried and Dehydrated Fruits, Vegetables and Soups (Except Vegetable Flour).
			*2099	Food Preparation, NEC (Bouillon).
XXX .....	Dairy Product Manufacturing:			
XXXX .....	Dairy Product, Except Frozen Dairy Product Manufacturing:			
XXXXX .....	Fluid Milk Manufacturing .....	E	2026	Fluid Milk.
XXXXX .....	Creamery Butter Manufacturing .....	E	2021	Creamery Butter.
XXXXX .....	Cheese Manufacturing .....	E	2022	Cheese, Natural and Processed.

TABLE 1.—Continued

	1997 NAICS and US Description	Status code	1987 SIC code	1987 SIC Description
XXXXX	Dry, Condensed, and Evaporated Milk Manufacturing.	E	2023	Dry, Condensed and Evaporated Products.
XXXX ..	Ice Cream and Frozen Dessert Manufacturing ..	E	2024	Ice Cream and Frozen Desserts.
XXX .....	Meat and Seafood Product Manufacturing:			
XXXX ..	Animal Slaughtering:			
XXXXX	Animal Slaughtering and Processing .....	R	*0751	Livestock Services, Except Veterinary (Custom Slaughtering).
			2011	Meat Packing Plants.
			*2048	Prepared Foods, NEC (Animal Slaughtering for Pet Food).
XXXXX	Meat Processed From Purchased Carcasses		*2013	Sausage and Other Prepared Meats (Meat Processing).
			*5147	Meat and Meat Products (Boxed Beef).
XXXXX	Poultry Processing .....	R	*2015	Poultry Processing (Poultry Processing).
XXXXX	Rendering and Meat By-product Processing ..	N	*2013	Sausage and Other Prepared Meats (Lard).
			*2077	Animal and Marine Fats and Oils (Animal Fat and Oil).
XXXX ..	Seafood Product Preparation and Packaging:			
XXXXX	Seafood Canning .....	R	*2077	Animal and Marine Fats and Oils (Canned Marine Fat and Oil).
			2091	Canned and Cured Fish and Seafood.
XXXXX	Fresh and Frozen Seafood Processing .....	R	*2077	Animal and Marine Fats and Oils (Fresh and Frozen Marine Fats and Oil).
			2092	Fresh or Frozen Prepared Fish.
XXX .....	Bakeries and Tortilleries:			
XXXX ..	Bread and Bakery Product Manufacturing:			
XXXXX	Commercial Bakeries .....	R	2051	Bread, Cake, and Related Products.
			*2052	Cookies and Crackers (Unleavened Bread).
XXXXX	Retail Bakeries .....	N	*5461	Retail Bakeries (Bread, Cake and Related Products Baked and Sold on Premise).
XXXXX	Frozen Bakery Product Manufacturing .....	E	2053	Frozen Bakery Products.
XXXX ..	Cookie, Cracker, and Pasta Manufacturing:			
XXXXX	Cookie and Cracker Manufacturing .....	R	*2052	Cookies and Crackers (Cookies and Crackers).
XXXXX	Flour Mixes and Dough from Purchased	E	2045	Prepared Flour Mixes and Doughs.
	Flour Manufacturing.			
XXXXX	Pasta Manufacturing .....	E	2098	Macaroni and Spaghetti.
XXXX ..	Tortilleries .....	N	*2099	Food Preparations, NEC (Tortillas).
XXX .....	Miscellaneous Food Manufacturing:			
XXXX ..	Snack Food Manufacturing:			
XXXXX	Roasted Nuts and Peanut Butter Manufacturing.	R	2068	Salted and Roasted Nuts and Seeds.
XXXXX	Other Snack Food Manufacturing:			
		R	*2099	Food Preparations, NEC (Peanut Butter).
			*2052	Cookies and Crackers (Pretzels).
			2096	Potato Chips and Similar Product.
XXXX ..	Coffee and Tea Manufacturing .....	N	*2043	Cereal Breakfast Foods (Coffee Substitute).
			*2095	Roasted Coffee (Roasted Coffee).
			*2099	Food Preparations, NEC (Tea).
XXXX ..	Flavoring Syrup and Concentrate Manufacturing	R	*2087	Flavoring Extracts and Syrups (Flavoring Syrup and Concentrate).
XXXX ..	Seasoning and Dressing Manufacturing:			
XXXXX	Mayonnaise, Dressing, and Other Prepared	N	*2035	Pickles, Sauces and Salad Dressings (Sauces and Salad Dressing).
	Sauce Manufacturing.		*2099	Food Preparations, NEC (Vinegar).
XXXXX	Spice and Extract Manufacturing .....	N	*2087	Flavoring Extracts and Syrups (Flavoring Extracts).
			*2095	Roasted Coffee (Coffee Extracts).
			*2099	Food Preparations, NEC (Spices, Dip Mix, Salad Dressing Mix, and Seasoning Mix).
			*2899	Chemical Preparations, NEC (Salt).
XXXX ..	Other Miscellaneous Food Manufacturing:			
XXXXX	Perishable Prepared Food Manufacturing .....	N	*2099	Food Preparations, NEC (Perishable Prepared Food).
XXXXX	All Other Miscellaneous Food Manufacturing ..	R	*2015	Poultry and Egg Processing (Egg Processing).
			*2032	Canned Specialties (Canned Pudding).
			*2087	Flavoring Extracts and Syrups (Powered Drink Mix).
			*2099	Food Preparations, NEC (Except Marshmallow Cream, Peanut Butter, Perishable Prepared Foods, Tortillas, Tea and Vinegar).
XX .....	Beverage and Tobacco Product Manufacturing:			
XXXX ..	Soft Drink and Ice Manufacturing:			
XXXXX	Soft Drink Manufacturing .....	R	*2086	Bottled and Canned Soft Drinks (Except Purified Water).
XXXXX	Ice Manufacturing and Water Purification ...	N	2097	Manufactured Ice.
			*2086	Bottled and Canned Soft Drinks (Purified Water).
XXXX ..	Breweries .....	E	2082	Malt Beverages.
XXXX ..	Wineries .....	E	2084	Wines, Brandy, and Brandy Spirits.

TABLE 1.—Continued

	1997 NAICS and US Description	Status code	1987 SIC code	1987 SIC Description
XXXX ...	Distilleries .....	R	2085	Distilled Spirits.
XXXX ...	Tobacco Stemming and Redrying .....	R	*2869	Industrial Organic Chemicals (Potable Ethyl Alcohol).
XXXX ...	Tobacco Product Manufacturing:		*2141	Tobacco Stemming and Redrying (Redrying and Stemming).
XXXXX	Cigarette Manufacturing .....	E	2111	Cigarette, Including Non-tobacco Cigarettes.
XXXXX	Other Tobacco Product Manufacturing .....	N	2121	Cigars.
			2131	Chewing and Smoking Tobacco.
			*2141	Tobacco Stemming and Redrying (Reconstituted Tobacco).

The definitions of status codes are as follows E=existing industry, N=new industry, R=revised industry; and \* means "part of." The abbreviation NEC is used for Not Elsewhere Classified.

TABLE 2.

1987 SIC code	1987 SIC description	1997 U.S. description
2011 .....	Meat Packing Plants .....	Animal Slaughtering.
2013@ .....	Sausages and Other Prepared Meats:	
	Meat Processing .....	Meat Processed From Purchased Carcasses.
	Lard .....	Rendering and Meat By-product Processing (pt).
2015@ .....	Poultry Slaughtering and Processing:	
	Poultry Processing .....	Poultry Processing.
	Egg Processing .....	All Other Miscellaneous Food Manufacturing (pt).
2021 .....	Creamery Butter .....	Creamery Butter Manufacturing.
2022 .....	Cheese, Natural and Processed .....	Cheese Manufacturing.
2023 .....	Dry, Condensed, and Evaporated Products.	Dry, Condensed, and Evaporated Milk Manufacturing.
2024 .....	Ice Cream and Frozen Desserts .....	Ice Cream and Frozen Dessert Manufacturing.
2026 .....	Fluid Milk .....	Fluid Milk Manufacturing.
2032 .....	Canned Specialties:	
	Canned Specialty .....	Specialty Canning (pt).
	Canned Pudding .....	All Other Miscellaneous Food Manufacturing (pt).
2033@ .....	Canned Fruits and Vegetables .....	Fruit and Vegetable Canning (pt).
2034 .....	Dehydrated Fruits, Vegetables, and Soup:	
	Dried and Dehydrated Fruit, Vegetable, and Soup Mix.	Dried and Dehydrated Food Manufacturing (pt).
	Vegetable Flours .....	Flour Milling (pt).
2035 .....	Pickles, Sauces and Salad Dressings:	
	Pickled Fruit and Vegetable .....	Fruit and Vegetable Canning.
	Sauce and Salad Dressing .....	Mayonnaise, Dressing, and Other Prepared Sauce Manufacturing.
2037 .....	Frozen Fruits, and Vegetables .....	Frozen Fruit, Juice, and Vegetable Processing.
2038 .....	Frozen Specialties, NEC .....	Frozen Specialty Processing.
2041 .....	Flour and Other Grain Mill Products .....	Flour Milling (pt).
2043 .....	Cereal Breakfast Foods:	
	Coffee Substitute .....	Coffee and Tea Manufacturing (pt).
	Breakfast Cereal .....	Breakfast Cereal Manufacturing.
2044 .....	Rice Milling .....	Rice Milling.
2045 .....	Prepared Flour Mixes and Doughs .....	Flour Mixes and Dough Manufacturing from Purchased Flour.
2046 .....	Wet Corn Milling .....	Wet Corn Milling.
2047 .....	Dog and Cat Food .....	Dog and Cat Food Manufacturing.
2048 .....	Prepared Feed, NEC:	
	Animal Slaughtering, for Pet Food .....	Animal Slaughtering (pt).
	Except Slaughtering Animals for Pet Food.	Other Animal Food Manufacturing.
2051 .....	Bread, Cakes and Related Products .....	Commercial Bakeries (pt).
2052@ .....	Cookies and Crackers:	
	Cookie and Cracker .....	Cookie and Cracker Manufacturing.
	Pretzels .....	Other Snack Food Manufacturing (pt).
	Unleavened Bread .....	Commercial Bakeries (pt).
2053 .....	Frozen Bakery Products, Except Bread .....	Frozen Bakery Product Manufacturing.
2061 .....	Raw Cane Sugar .....	Sugarcane Mills.
2062 .....	Cane Sugar Refining .....	Cane Sugar Refining.
2063 .....	Beet Sugar .....	Beet Sugar Manufacturing.
2064@ .....	Candy and Other Confectionery Products:	
	Chocolate Confectionery .....	Chocolate and Confectionery Manufacturing from Purchased Chocolate.
	Non-Chocolate Confectionery Manufacturing.	Non-Chocolate Confectionary Manufacturing (pt).
2066 .....	Chocolate and Cocoa Products .....	Chocolate and Confectionery Manufacturing from Cocoa Beans.
2067@ .....	Chewing Gum .....	Chewing Gum and Other Non-Chocolate Confectionery Product Manufacturing (pt).

TABLE 2.—Continued

1987 SIC code	1987 SIC description	1997 U.S. description
2068@ .....	Salted and Roasted Nuts and Seeds .....	Roasted Nuts and Peanut Butter Manufacturing (pt).
2074@ .....	Cottonseed Oil Mills .....	Other Oilseed Processing (pt).
2075 .....	Soybean Oil Mills .....	Soybean Processing.
2076@ .....	Vegetable Oil Mills, NEC .....	Other Oilseed Processing (pt).
2077@ .....	Animal and Marine Fats and Oils:	
	Animal Fat and Oil .....	Rendering and Meat By-product Processing (pt).
	Canned Marine Fat and Oil .....	Seafood Canning (pt).
	Fresh and Frozen Marine Fat and Oil ....	Fresh and Frozen Seafood Processing (pt).
	Vegetable Oil Foot .....	Edible Fats and Oils Manufacturing (pt).
2079 .....	Edible Fat and Oil, NEC .....	Edible Fats and Oils Manufacturing (pt).
2082 .....	Malt Beverages .....	Breweries.
2083 .....	Malt .....	Malt Manufacturing.
2084 .....	Wines, Brandy, and Brandy Spirits .....	Wineries.
2085 .....	Distilled and Blended Liquors .....	Distilleries.
2086 .....	Bottled and Canned Soft Drinks:	
	Soft Drinks .....	Soft Drink Manufacturing.
	Purified Water .....	Ice Manufacturing and Water Purification (pt).
2087@ .....	Flavoring Extracts and Syrups NEC:	
	Flavoring Syrup and Concentrate .....	Flavoring Syrup and Concentrate Manufacturing.
	Flavoring Extracts .....	Spice and Extract Manufacturing (pt).
	Powered Drink Mix .....	All Other Miscellaneous Food Product Manufacturing (pt).
2091@ .....	Canned and Cured Fish and Seafood .....	Seafood Canning (pt).
2092@ .....	Fresh or Frozen Prepared Fish .....	Fresh and Frozen Seafood Processing (pt).
2095@ .....	Roasted Coffee:	
	Roasted Coffee .....	Coffee and Tea Manufacturing (pt).
	Coffee Extracts .....	Spice and Extract Manufacturing (pt).
2096@ .....	Potato Chips, and Similar Snacks .....	Other Snack Food Manufacturing (pt).
2097 .....	Manufactured Ice .....	Ice Manufacturing and Water Purification (pt).
2098 .....	Macaroni and Spaghetti .....	Pasta Manufacturing.
2099 .....	Food Preparations, NEC:	
	Bouillon .....	Dried and Dehydrated Food Manufacturing.
	Marshmallow Creme .....	Non-Chocolate Confectionery Manufacturing (pt).
	Peanut Butter .....	Roasted Nuts and Peanut Butter Manufacturing (pt).
	Perishable Prepared Food .....	Perishable Prepared Food Manufacturing.
	Tortillas .....	Tortilleries.
	Tea .....	Coffee and Tea Manufacturing (pt).
	Vinegar .....	Mayonnaise, Dressing, and Other Prepared Sauce Manufacturing (pt).
	Other .....	All Other Miscellaneous Food Manufacturing (pt).
2111 .....	Cigarettes .....	Cigarette Manufacturing.
2121 .....	Cigars .....	Other Tobacco Product Manufacturing (pt).
2131@ .....	Chewing and Smoking Tobacco .....	Other Tobacco Product Manufacturing (pt).
2141@ .....	Tobacco Stemming and Redrying:	
	Reconstituted Tobacco .....	Other Tobacco Product Manufacturing (pt).
	Redrying and Stemming .....	Tobacco Redrying and Stemming.

The abbreviation "pt" means "part of"; @ means time series break has been created that is greater than 3% of the 1992 value of shipments for the 1987 SIC industry. The abbreviation NEC is used for Not Elsewhere Classified.

#### *Description of Changes to the U.S. System*

A number of the changes listed in this section were made for reasons of international comparability. Where one or more of the three North American countries had different definitions of an industry classification, adjustments to the definitions in one or more countries were required. In constructing NAICS, the three countries agreed to move, where change was required to attain international comparability, in the direction of the country or countries whose existing classification definitions most closely corresponded to the production-oriented concept adopted for NAICS. Cases where the U.S. changed are listed below; other cases

where Canada or Mexico moved toward the U.S. classification are not, of course, listed in this section.

**Structure**—The 1987 Major Groups 20, Food and Kindred Products, and 21, Tobacco Products, were reorganized to create two new subsectors. Beverages were separated from food and combined with tobacco. A number of activities that were included in 1987 Industry Group 208, Beverages, were retained in the Food Manufacturing subsector:

Malt manufacturing from 1987 industry group 208. This was done to promote comparability with ISIC and because malt production is a milling operation, not a beverage operation.

Flavoring syrup and concentrate manufacturing from part of 1987 SIC 2087, Flavoring Extracts and Syrups,

NEC, to improve comparability with Mexico.

Flavoring extracts from part of 1987 SIC 2087, Flavoring Extracts and Syrups, to create a new 1997 industry for spices and extracts. This is consistent with Canada and ISIC.

Powdered drink mixes from part of 1987 SIC 2087, Flavoring Extracts and Syrups, into part of All Other Miscellaneous Food Manufacturing to improve comparability with Canada.

Manufactured ice was previously part of 1987 industry group 209, Miscellaneous Food Preparations and Kindred Products. NAICS includes this in Beverage Manufacturing.

**Food Manufacturing**—Ten new industries were added to the 1997



industry structure for this subsector. New industries were created for:

Other Oilseed Processing by combining 1987 SIC 2074, Cottonseed Oil Mills, and 1987 SIC 2076, Vegetable Oil Mills, NEC. Cottonseed processing is very small and the production function is identical except for the inputs used.

Confectionery Manufacturing from Purchased Chocolate from part of 1987 SIC 2064, Candy and Other Confectionery Products, to promote comparability with Mexico. This industry also is characterized by the production process as chocolate as an input to confectionery is unique and is distinguished by process.

Non-Chocolate Confectionery Manufacturing from parts of 1987 SIC 2064, Candy and Other Confectionery Products; 1987 SIC 2067, Chewing Gum; and 1987 SIC 2099, Food Preparations, NEC. Chewing gum is a disclosure in the U.S. and is too small in Canada.

Rendering and Meat By-product Processing from parts of 1987 SIC 2013, Sausage and Other Prepared Meats, and 1987 SIC 2077, Animal and Marine Fats and Oils, since there are specialized processes involved and they tend to be performed in separate establishments. This proposal is supported by The National Renderers' Association.

Tortilleries from part of 1987 SIC 2099, Food Preparations, NEC, in response to a proposal from the industry association and to promote comparability with Mexico.

Coffee and Tea Manufacturing from parts of 1987 SIC 2043, Cereal Breakfast Foods; 1987 SIC 2095, Roasted Coffee; 1987 SIC 2099, Food Preparations, NEC, to promote comparability with Canada.

Mayonnaise, Dressing and Other Prepared Sauce Manufacturing from parts of 1987 SIC 2035, Pickles, Sauces and Salad Dressings, and 1987 SIC 2099, Food Preparations, NEC, to promote comparability with Mexico. The U.S. found a good production basis and more than sufficient data user interest for this change.

Spice and Extract Manufacturing from parts of 1987 SIC 2087, Flavoring Extracts and Syrups; 1987 SIC 2095, Roasted Coffee; 1987 SIC 2099, Food Preparations, NEC; and 1987 SIC 2899, Chemical Preparations, NEC resulted from a modification of a proposal to create a spice industry. There is considerable overlap between the production of extracts and spices. Spice production alone produced a low specialization rate (75%), but the combined industry exhibits good specialization (91%).

Retail Bakeries from part of 1987 SIC 5461, Retail Bakeries, to obtain comparability with Mexico. A new

industry was created since their production function is different than that of a commercial bakery and in order to retain time series continuity.

Perishable Prepared Food Manufacturing from part of 1987 SIC 2099, Food Preparations, NEC, to reduce the size of SIC 2099 and improve comparability with Mexico.

Three activities were transferred into the 1997 Food Manufacturing subsector: Custom slaughtering was transferred from 1987 SIC 0751, Livestock Services, Except Veterinary, into Animal Slaughtering because the production process is slaughtering whether done on a production or custom basis, and in response to a proposal.

Boxed beef from purchased carcasses was transferred from 1987 SIC 5147, Meat and Meat Products, into Meat Processed From Purchased Carcasses to improve comparability with Canada. The production function of these establishments is much more a manufacturing type operation, in that they are very large, highly automated plants that produce bulk products that must still be further broken down before they are ready for sale to the final consumer.

Salt was transferred from part of 1987 SIC 2899, Chemical Preparations, NEC, into Spice and Extract Manufacturing to promote comparability with Mexico.

Also there were several activities that transferred within the Food Manufacturing subsector. The number of food manufacturing except beverages manufacturing industries increased from 43 in 1987 to 47 in 1997. For time series linkage, 26 of the 43 1987 industries are comparable within three percent of the 1997 industries.

Beverage and Tobacco Product Manufacturing—Two new industries were created for this subsector.

Ice Manufacturing and Water Purification from 1987 SIC 2097, Manufactured Ice, and part of 1987 SIC 2086, Bottled and Canned Soft Drinks, to promote comparability with Mexico.

Other Tobacco Product Manufacturing by combining 1987 SIC 2121, Cigars; 1987 SIC 2131, Chewing and Smoking Tobacco; and Reconstituted Tobacco from part of 1987 SIC 2141, Tobacco Stemming and Redrying.

One activity transferred into the Beverage and Tobacco Product Manufacturing subsector: Potable ethyl alcohol was transferred from part of 1987 SIC 2069, Industrial Organic Chemicals, into NAICS Distilleries to promote comparability with Canada.

The number of beverage and tobacco product industries decreased from ten in 1987 to eight in 1997. For time series linkage, five of the ten 1987 beverage

and tobacco product manufacturing industries are comparable within three percent of the 1997 industries.

## Part IV—Proposed New Industry Structure for Fabricated Metal Product Manufacturing

### Section A—NAICS Structure

North American Industry Classification System (NAICS)  
Agreement Number 7

This Document represents the proposed agreement on the structure of the North American Industry Classification System (NAICS) for the following industries:

#### Fabricated Metal Product Manufacturing

The detailed NAICS structure along with a brief description of the structure is attached (Attachments 1 and 2). Each country agrees to release a copy of the proposed NAICS structure to interested data users. Comments received will be shared among the countries and additional discussions will be held before a final decision on the structure is made. Each country may add additional detailed industries, below the 4-digit level of NAICS, as necessary to meet national needs, so long as this additional detail aggregates to a 4-digit NAICS level in order to ensure full comparability among the three countries. This NAICS structure was presented and provisionally accepted at the NAICS Committee meeting held August 30, 1995—September 1, 1995 in Washington, D.C.

Accepted	Signature	Date
Canada .....	/S/ Jacob Ryten.	9/1/95
Mexico .....	/S/ Enrique Ordaz.	9/1/95
United States ..	/S/ Jack E. Triplett.	9/1/95

#### Attachment 1—NAICS Structure

XX Fabricated Metal Product Manufacturing  
 XXX Forging and Stamping  
 XXXX Forging and Stamping  
 XXX Cutlery and Hand Tool Manufacturing  
 XXXX Cutlery and Hand Tool Manufacturing  
 XXX Architectural and Structural Metal Manufacturing  
 XXXX Platework and Fabricated Structural Product Manufacturing  
 XXXX Ornamental and Architectural Metal Product Manufacturing  
 XXX Boiler, Tank, and Shipping Container Manufacturing  
 XXXX Power Boiler and Heat Exchanger Manufacturing  
 XXXX Metal Tank (Heavy Gauge) Manufacturing

XXXX Metal Can, Box, and Other Metal Container (Light Gauge) Manufacturing  
 XXX Hardware Manufacturing  
 XXXX Hardware Manufacturing  
 XXX Spring, Wire and Turned Product Manufacturing  
 XXXX Spring and Wire Product Manufacturing  
 XXXX Turned Product Manufacturing  
 XXX Other Fabricated Metal Product Manufacturing  
 XXXX Metal Valve Manufacturing  
 XXXX All Other Fabricated Metal Product Manufacturing  
 XXX Machine Shops and Coating, Engraving, Heat Treating, and Allied Activities  
 XXXX Machine Shops  
 XXXX Coating, Engraving, Heat Treating, and Allied Activities

#### Attachment 2—North American Industry Classification System

##### Draft Classification for:

##### Fabricated Metal Product Manufacturing

Representatives of the statistical agencies of Canada, Mexico, and the United States agree to a draft industrial classification for these industries.

This draft classification applies to the subsector Fabricated Metal Product Manufacturing. This subsector is further sub-divided into eight industry groups and fourteen industries. The subsector will be part of the Manufacturing sector of the classification.

##### A General Outline

The Fabricated Metal Product Manufacturing industries transform metal into intermediate or end products, other than machinery, computers and electronics, and metal furniture. Some important fabricated metal processes are forging, stamping, bending, forming, and machining, which are used to shape individual pieces of metal. Processes such as welding and assembling are used to join separate parts together. Establishments may use one of these processes or they may be used in combination. The NAICS structure distinguishes the forging and stamping processes in a single industry. Other industries identify categories of products whose manufacture involves similar combinations of processes. For example, establishments in Platework and Fabricated Structural Product Manufacturing work with heavy gauge metal; those in Ornamental and Architectural Metal Product Manufacturing work with light gauge metal.

NAICS makes a basic distinction between establishments that draw wire from bars or rods, and those that purchase wire and make products from it. The former are classified in the Primary Metal Manufacturing subsector

and the latter either in the Fabricated Metal Product Manufacturing subsector; in Spring and Wire Product Manufacturing, if the products are not insulated; or if the product is insulated wire, the establishments are classified in the Electrical Equipment, Appliance, and Component Manufacturing subsector.

##### Limitations and Constraints of the Classification

There are some analytical needs that cannot be met by the industrial classification. For example, relatively broad NAICS industries were created for Forging and Stamping; Ornamental and Architectural Metal Product Manufacturing; Metal Can, Box and Other Metal Container (Light Gauge) Manufacturing; and Spring, Wire and Turned Product Manufacturing. The way activities are combined in establishments differs to some extent in some countries. For example, forgings and stampings are often made in the same establishments in Mexico, while they are usually produced in separate establishments in Canada and the United States. More often, size constraints prohibit separation of activities in Canada or Mexico. In the Fabricated Metal Product Manufacturing subsector, most activities that were identified in one country exist in the others, but sometimes an activity is not economically significant to the same degree in all countries. For example, Canada cannot support a Precision Turned Product Manufacturing industry because of size.

A structure could have been developed that specified such activities in NAICS, but the resulting statistical tables for any given country would have numerous insignificant or suppressed entries. An operating rule has therefore been adopted for this industry subsector that the NAICS industries must be economically significant and publishable. Each country will publish additional categories that comprise subdivisions of NAICS industries, to present data for activities that are nationally significant.

For those users requiring detailed commodity information, each country will publish information on the products of these industries. Efforts are also underway to harmonize the commodity classifications to allow for greater comparability of these statistics.

##### Relationship to ISIC

Eight industries can be assigned entirely to ISIC Division 28, Manufacture of Fabricated Metal Products, except Machinery and Equipment of the current International

Standard Industrial Classification of all Economic Activities (ISIC, Revision 3) of the United Nations. The following NAICS industries belong largely to ISIC Division 28 with the exception of the activities indicated: Platework and Fabricated Structural Product Manufacturing (fabricated bar joists and concrete reinforcing bars); Power Boiler and Heat Exchanger Manufacturing (heat exchangers); Metal Valve Manufacturing (hose nozzles, rubber hose and tube assemblies, and metal pipe fittings); All Other Fabricated Metal Product Manufacturing (industrial patterns, and ball and roller bearings); Spring and Wire Product Manufacturing (wire carts and hand sieves); and Metal Tank (Heavy Gauge) Manufacturing (gas absorbers, autoclaves, buoys, and floating structures). However, because the exceptions indicated above are a relatively small part of the output of these six NAICS industries, one can combine the industries of NAICS for this subsector, and be quite comparable to ISIC 28, Manufacture of Fabricated Metal Products, except Machinery and Equipment.

##### Some Changes to the National Classifications

The Forging and Stamping industry represents a major restructuring for Canada. Non-ferrous forgings have been moved from the Primary Metals Major Group, and they are no longer split by type of metal such as aluminum or bronze. Stampings are brought together from two existing CSIC industries.

The creation of the Hardware Manufacturing industry represents significant change for both Canada and Mexico. Their current classifications place hardware for transportation equipment in a variety of industries, based on the type of vehicle. All hardware, including locks, is combined in one industry in NAICS.

Coating, Engraving, Heat Treating and Allied Activities in NAICS brings together all activities performed on metal, such as coating and heat treating. This is a significant change for Canada and Mexico, whose classifications only distinguish coating activities. For the United States, heat treating of metals is currently in Primary Metal Manufacturing.

The creation of a Machine Shop industry is a change for all three countries that currently combine this activity with various others. Other changes for the United States involve the creation of several new national industries within the various NAICS industries.

*Achievement of Objectives*

The classification meets the objectives for the North American Industry Classification System (NAICS). It is comprised of industries that group establishments with similar production processes, that is, it applies the production-oriented economic concept. The hierarchical structure of the classification also follows the production concept.

The classification achieves comparability for the three participating countries. Based on existing data, all three countries expect to be able to publish data regularly at the industry (4-digit) level of the structure. All countries agree on the detailed definitions of the industries.

Other objectives of the NAICS project are not as relevant in this area of the classification as in others. These objectives are the delineation of new and emerging industries, service

industries and industries engaged in the production of advanced technologies. The industrial sector in question is relatively mature, generally produces goods, and employs relatively stable technology. Therefore, the emphasis is on the objectives listed above.

The industries have high specialization ratios, and they are economically significant. The detail (4-digit level) and structure of the classification are balanced in size. This enhances the classification's suitability for sampling and other aspects of survey operations. Finally, disruptions to time series, while they exist, have been minimized. The statistical agencies can develop statistical "links" to enable the re-tabulation of time series on the new NAICS classification structure.

*Section B-Annex: United States National Industry Detail*

As explained in the Structure presentation of this notice, for a number

of reasons 4-digit industries in the three NAICS industry subsectors presented in Part 1, Section A—Attachment 1, contain less detail than is currently in the U.S. SIC system, and less detail than is required to meet important analytical requirements in the U.S. The three country agreement on NAICS envisions that each country may develop national detailed industries below the NAICS industry level, so long as the national detail can be aggregated to the NAICS classification, thus assuring full North American comparability.

The ECPC is proposing U.S. 5-digit industry detail for the three NAICS industry subsectors covered in Part I of this notice. For cases where no 5-digit detail is shown, the ECPC is proposing that the NAICS 4-digit industries will also represent the most detailed U.S. industries.

TABLE 1.

	1997 NAICS and U.S. Description	Status code	1987 SIC code	1987 SIC Description
XX .....	Fabricated Metal Product Manufacturing:		.....	
XXX .....	Forging and Stamping		.....	
XXXX .....	Forging and Stamping		.....	
XXXXX .....	Custom Roll Forming .....	N	*3449	Miscellaneous Structural Metal Work (Custom Roll Forming).
XXXXX .....	Iron and Steel Forging .....	E	3462	Iron and Steel Forgings.
XXXXX .....	Nonferrous Forging .....	E	3463	Nonferrous Forgings.
XXXXX .....	Crown and Closure Manufacturing .....	E	3466	Crowns and Closures.
XXXXX .....	Metal Stamping and Powder Metallurgy Manufacturing.	N	*3469	Metal Stampings, NEC (Except Kitchen Utensils, and Pots and Pans for Cooking).
			*3499	Fabricated Metal Products, NEC (Powder Metallurgy).
XXX .....	Cutlery and Hand Tool Manufacturing:		.....	
XXXX .....	Cutlery and Hand Tool Manufacturing		.....	
XXXXX .....	Cutlery and Flatware Manufacturing, except Precious	N	3421	Cutlery.
			*3914	Silverware, Plated Ware, and Stainless Steel Ware (Cutlery and Flatware except Precious).
XXXXX .....	Hand and Edge Tool Manufacturing .....	R	3423	Hand and Edge Tools Except Machine Tools and Handsaws.
			*3523	Farm Machinery and Equipment (Hand Hair Clippers for Animals).
			*3524	Lawn and Garden Tractors and Home Lawn and Garden Equipment (Nonpowered Lawnmowers).
			*3545	Cutting Tools, Machine Tools Accessories, and Machinist Precision Measuring Devices (Precision Measuring Devices).
			*3799	Transportation Equipment, NEC (Wheelbarrows).
			*3999	Manufacturing Industries, NEC (Tape Measures).
XXXXX .....	Saw Blade and Handsaw Manufacturing .....	E	3425	Saw Blades and Handsaws.
XXXXX .....	Kitchen Utensil, Pot and Pan Manufacturing ..	N	*3469	Metal Stampings, NEC (Kitchen Utensils, Pots, and Pans for Cooking).
XXX .....	Architectural and Structural Metal Manufacturing:		.....	
XXXX .....	Platework and Fabricated Structural Product Manufacturing		.....	
XXXXX .....	Fabricated Structural Metal Manufacturing .....	E	3441	Fabricated Structural Metal.
			*3449	Miscellaneous Structural Metal Work (Fabricated Bar Joists and Concrete Reinforcing Bars).
XXXXX .....	Plate Work Manufacturing .....	N	*3443	Fabricated Plate Work (Boiler Shops) (Fabricated Plate Work and Metal Weldments).
XXXXX .....	Prefabricated Metal Building and Component Manufacturing.	E	3448	Prefabricated Metal Buildings and Components.
XXXX .....	Ornamental and Architectural Metal Product Manufacturing		.....	
XXXXX .....	Metal Door, Sash, Frame, Molding, and Trim Manufacturing.	E	3442	Metal Doors, Sash, Frames, Molding and Trim.

TABLE 1.—Continued

	1997 NAICS and U.S. Description	Status code	1987 SIC code	1987 SIC Description
XXXXX	Sheet Metal Work Manufacturing .....	R	*3449 *3444	Miscellaneous Structural Metal Work (Curtain Wall). Sheet Metal Work (Ducts, Flumes, Flooring, Siding, Dampers, etc.).
XXXXX	Ornamental and Architectural Metal Work Manufacturing.	R	3446	Architectural and Ornamental Metal Work.
			*3449 *3523	Miscellaneous Structural Metal Work (Metal Plaster Bases). Farm Machinery and Equipment (Corrals, Stalls, and Holding Gates).
XXX ....	Boiler, Tank, and Shipping Container Manufacturing:		.....	
XXXX ...	Power Boiler and Heat Exchanger Manufacturing.	N	*3443	Fabricated Plate Work (Boiler Shops) (Power Boilers and Heat Exchangers).
XXXX ...	Metal Tank Manufacturing (Heavy Gauge) .....	N	*3443	Fabricated Plate Work (Boiler Shops) (Heavy Gauge Tanks).
XXXX ...	Metal Can, Box, and Other Metal Container (Light Gauge) Manufacturing:		.....	
XXXXX	Metal Can Manufacturing .....	E	3411	Metal Cans.
XXXXX	Other Metal Container Manufacturing .....	R	3412	Metal Shipping Barrels, Drums, Kegs, and Pails.
			*3429	Hardware, NEC (Vacuum and Insulated Bottles, Jugs, and Chests).
			*3444	Sheet Metal Work (Metal Bins and Vats).
			*3499	Fabricated Metal Products, NEC (Metal Boxes).
			*3537	Industrial Trucks, Tractors, Trailers, and Stackers (Metal Air Cargo Containers).
			*5085	Industrial Supplies (Reconditioning Drums).
XXX ....	Hardware Manufacturing:		.....	
XXXX ...	Hardware Manufacturing .....	R	*3429	Hardware, NEC (Hardware, Except Hose Nozzles, and Vacuum and Insulated Bottles, Jugs and Chests).
			*3499	Fabricated Metal Products, NEC (Safe and Vault Locks).
XXX ....	Spring, Wire and Turned Product Manufacturing:		.....	
XXXX ...	Spring and Wire Product Manufacturing		.....	
XXXXX	Steel Spring Manufacturing, except Wire .....	E	3493	Steel Springs, Except Wire.
XXXXX	Wire Spring Manufacturing .....	E	*3495	Wire Springs (Except Watch and Clock Springs).
XXXXX	Other Fabricated Wire Product Manufacturing	R	*3315	Steel Wiredrawing and Steel Nails and Spikes (Steel Nails and Spikes Not Made in Wiredrawing Plants).
			*3399	Primary Metal Products, NEC (Nonferrous Nails, Brads, Staples, etc.).
			3496	Miscellaneous Fabricated Wire Products.
XXXX ...	Turned Product Manufacturing:		.....	
XXXXX	Precision Turned Product Manufacturing .....	E	3451	Screw Machine Products.
XXXXX	Bolt, Nut, Screw, Rivet, and Washer Manufacturing.	E	3452	Bolts, Nuts, Screws, Rivets, and Washers.
XXX ....	Other Fabricated Metal Product Manufacturing:		.....	
XXXX ...	Metal Valve Manufacturing		.....	
XXXXX	Industrial Valve Manufacturing .....	E	3491	Industrial Valves
XXXXX	Fluid Power Valve and Hose Fitting Manufacturing.	R	3492	Fluid Power Valves and Hose Fittings.
			*3728	Aircraft Parts and Auxiliary Equipment, NEC (Fluid Power Aircraft Subassemblies).
XXXXX	Other Metal Valve and Pipe Fitting Manufacturing.	R	*3429	Hardware, NEC (Hose Nozzles).
			*3432	Plumbing Fixture Fittings and Trim (Valves Classified as Fittings and Trim).
			*3494	Valves and Pipe Fittings, NEC (Except Metal Pipe Hangers and Supports).
			*3499	Fabricated Metal Products, NEC (Metal Aerosol Valves).
XXXX ...	All Other Fabricated Metal Product Manufacturing:		.....	
XXXXX	Enameled Iron and Metal Sanitary Ware Manufacturing.	E	3431	Enameled Iron and Metal Sanitary Ware.
XXXXX	Small Arms Ammunition Manufacturing	E	3482	Small Arms Ammunition.
XXXXX	Ammunition Manufacturing, except Small Arms	E	3483	Ammunition, Except for Small Arms.
XXXXX	Small Arms Manufacturing	E	3484	Small Arms.
XXXXX	Other Ordnance and Accessory Manufacturing	E	3489	Ordnance and Accessories, NEC.
XXXXX	Fabricated Pipe and Pipe Fitting Manufacturing	E	3498	Fabricated Pipe and Pipe Fittings.
XXXXX	Industrial Pattern Manufacturing	E	3543	Industrial Patterns.
XXXXX	Ball and Roller Bearing Manufacturing	E	3562	Ball and Roller Bearings.
XXXXX	All Other Miscellaneous Fabricated Metal Product Manufacturing	R	*3053	Gaskets, Packing, and Sealing Devices (Metal Gaskets).
			*3291	Abrasive Products (Steel Wool With or Without Soap).
			*3432	Plumbing Fixture Fittings and Trim (Metal Shower Rods).
			*3494	Valves and Pipe Fittings, NEC (Pipe Hangers and Supports).

TABLE 1.—Continued

	1997 NAICS and U.S. Description	Status code	1987 SIC code	1987 SIC Description
XXX ....	Machine Shops and Coating, Engraving, Heat Treating, and Allied Activities:		*3497	Metal Foil and Leaf (Foil and Foil Containers).
XXXX ...	Machine Shops	N	*3499	Fabricated Metal Products, NEC (Other Metal Products).
XXXX ...	Coating, Engraving, Heat Treating, and Allied Activities:		*3537	Industrial Trucks, Tractors, Trailers, and Stackers (Metal Pallets).
XXXXX	Metal Heat Treating	E	*3599	Industrial and Commercial Machinery and Equipment, NEC (Flexible Metal Hose).
XXXXX	Metal Coating, Engraving and Allied Services to Manufacturers, Except Jewelry	R	*3993	Signs and Advertising Specialties (Metal Signs).
XXXXX	Electroplating, Plating, Polishing, Anodizing and Coloring	E	*3999	Manufacturing Industries, NEC (Other Miscellaneous Metal Products, such as Combs, Hair Curlers, etc.).
			*3599	Industrial and Commercial Machinery and Equipment, NEC (Machine Shops).
			3398	Metal Heat Treating.
			*3479	Coating, Engraving, and Allied Services, NEC (Except Jewelry Engraving and Etching).
			*3399	Primary Metal Products, NEC (Laminating Steel).

The definitions of status codes are as follows: E=existing industry; N=new industry; R=revised industry; and \*means "part of". The abbreviation NEC is used for Not Elsewhere Classified.

TABLE 2

1987 SIC code	1987 SIC description	1997 U.S. description
3053@	Gaskets, Packings and Sealing Devices: Cork Gaskets, Packing, and Sealing Devices .....	Other Wood Product Manufacturing (pt) (Included in Wood Product Manufacturing, except Furniture subsector).
	Metal Gaskets, Packing, and Sealing Devices .....	All Other Fabricated Metal Product Manufacturing (pt).
	Plastics Gaskets, Packing and Sealing Devices .....	All Other Plastic Product Manufacturing (pt) (Included in Rubber and Plastic Product Manufacturing subsector).
	Rubber Gaskets, Packing and Sealing Devices .....	All Other Rubber Product Manufacturing (pt) (Included in Rubber and Plastic Product Manufacturing subsector).
3291 .....	Abrasive Products: Steel Wool With or Without Soap .....	All Other Miscellaneous Fabricated Metal Product Manufacturing (pt).
	Abrasive Products (Except Steel Wool With or Without Soap).	Abrasive Product Manufacturing (Included in Nonmetallic Mineral Product Manufacturing subsector).
3315@	Steel Wire Drawing and Steel Nails and Spikes: Steel Wire Drawing and Steel Nails and Spikes (Except Steel Nails and Spikes Not Made in Wire Drawing Plants).	Hot-Rolling Mills., Wire Drawing and Other Primary Metal Product Manufacturing (pt) (Included in Primary Metal Manufacturing subsector).
	Steel Nails and Spikes Not Made in Wire Drawing Plants.	Other Fabricated Wire Product Manufacturing (pt).
3398 .....	Metal Heat Treating .....	Metal Heat Treating.
3399@ .....	Primary Metal Products, NEC: Iron and Steel Powder, Paste, Flakes, etc .....	Hot-Rolling Mills, Wire Drawing, and Other Primary Metal Product Manufacturing (pt) (Included in Primary Metal Manufacturing subsector).
	Aluminum Powder, Paste Flakes, etc .....	Aluminum Extruded Product Manufacturing (pt) (Included in Primary Metal Manufacturing subsector).
	Nonferrous Powder, Paste, Flakes, etc .....	Secondary Smelting and Refining of Nonferrous Metals (pt) (Included in Primary Metal Manufacturing subsector).
	Nonferrous Nails, Brads, Staples, etc .....	Other Fabricated Wire Product Manufacturing (pt).
	Laminated Steel .....	Electroplating, Plating, Polishing, Anodizing, and Coloring (pt).
3411 .....	Metal Cans .....	Metal Can Manufacturing.
3412 .....	Metal Shipping Barrels, Drums, Kegs and Pails .....	Other Metal Container Manufacturing (pt).
3421 .....	Cutlery .....	Cutlery and Flatware Manufacturing, Except Precious (pt).
3423 .....	Hand and Edge Tools, Except Machine Tools and Handsaws.	Hand and Edge Tool Manufacturing (pt).
3425 .....	Saw Blades and Handsaws .....	Saw Blade and Handsaw Manufacturing.
3429@ .....	Hardware, NEC: Vacuum and Insulated Bottles, Jugs, and Chests .....	Other Metal Container Manufacturing (pt).
	Hose Nozzles .....	Other Metal Valve and Pipe Fitting Manufacturing (pt).
	Hardware, NEC (Hardware, Except Hose Nozzles, and Vacuum and Insulated Bottles, Jugs, and Chests).	Hardware Manufacturing (pt).
3431 .....	Enameled Iron and Metal Sanitary Ware .....	Enameled Iron and Metal Sanitary Ware Manufacturing.

TABLE 2—Continued

1987 SIC code	1987 SIC description	1997 U.S. description
3432 .....	Plumbing Fixture Fittings and Trim: Valves Classified as Fittings and Trim .....	Other Valve and Pipe Fitting Manufacturing (pt).
	Metal Shower Rods .....	All Other Miscellaneous Fabricated Metal Product Manufacturing (pt).
3433 .....	Heating Equipment, Except Electric and Warm Air Furnaces.	Heating Equipment except Electric Warm Air Furnace Manufacturing (pt) (Included in Machinery Manufacturing subsector).
3441 .....	Fabricated Structural Metal .....	Fabricated Structural Metal Manufacturing.
3442 .....	Metal Doors, Sash, Frames, Molding, and Trim .....	Metal Door, Sash, Frame, Molding, and Trim Manufacturing.
3443@ .....	Fabricated Plate Work (Boiler Shops):Fabricated Plate Work and Metal Weldments Power Boiler and Heat Exchanger Manufacturing.	Plate Work Manufacturing.Power Boilers and Heat Exchangers
	Heavy Gauge Tanks .....	Metal Tank Manufacturing (Heavy Gauge).
	Metal Cooling Towers .....	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing (pt) (Included in Machinery Manufacturing subsector).
3444 .....	Sheet Metal Work: Ducts, Flumes, Flooring, Siding, Dampers, etc. ....	Sheet Metal Work manufacturing (pt).
	Metal Bins and Vats .....	Other Metal Container Manufacturing (pt).
3446 .....	Architectural and Ornamental Metal Work .....	Ornamental and Architectural Metal Work Manufacturing (pt).
3448 .....	Prefabricated Metal Buildings and Components .....	Prefabricated Metal Building and Component Manufacturing.
3449@ .....	Miscellaneous Structural Metal Work: Custom Roll Forming .....	Custom Roll Forming.
	Fabricated Bar Joists and Concrete Reinforcing Bars	Fabricated Structural Metal Manufacturing (pt).
	Curtain Wall .....	Metal Door, Sash Frame, Molding, and Trim Manufacturing (pt).
	Metal Plaster Bases .....	Ornamental and Architectural Metal Work manufacturing (pt).
3451 .....	Screw Machine Products .....	Precision Turned Product Manufacturing.
3452 .....	Bolts, Nuts, Screws, Rivets, and Washers .....	Bolt, Nut Screw, Rivet, and Washer Manufacturing.
3462 .....	Iron and Steel Forgings .....	Iron and Steel Forging.
3463 .....	Nonferrous Forgings .....	Nonferrous Forging.
3465 .....	Automotive Stampings .....	Motor Vehicle Metal Stamping Manufacturing (included in Transportation Equipment Manufacturing subsector).
3466 .....	Crowns and Closures .....	Crown and Closure Manufacturing.
3469 .....	Metal Stampings, NEC: Metal Stampings, NEC (Except Kitchen Utensils, and Pots and Pans for Cooking).	Metal Stamping and Powder Metallurgy Manufacturing (pt).
	Kitchen Utensils, and Pots and Pans for Cooking .....	Kitchen Utensil, Pot, and Pan Manufacturing.
3471 .....	Electroplating, Plating, Polishing, Anodizing, and Coloring.	Electroplating, Plating, Polishing, Anodizing, and Coloring (pt).
3479 .....	Coating, Engraving, and Allied Services, NEC: Coating, Engraving, and Allied Services, NEC (Except Jewelry Engraving and Etching).	Metal Coating, Engraving, and Allied Services to Manufacturers, except Jewelry.
	Jewelry Engraving and Etching .....	Precious Metal Jewelry Manufacturing (pt) (Included in the Miscellaneous Manufacturing subsector).
3482 .....	Small Arms Ammunition .....	Small Arms Ammunition Manufacturing.
3483 .....	Ammunition, Except for Small Arms .....	Ammunition Manufacturing, except Small Arms.
3484 .....	Small Arms .....	Small Arms Manufacturing.
3489 .....	Ordnance and Accessories, NEC .....	Other Ordnance and Accessory Manufacturing.
3491 .....	Industrial Valves .....	Industrial Valve Manufacturing.
3492 .....	Fluid Power Valves and Hose Fittings .....	Fluid Power Valve and Hose Fitting Manufacturing.
3493 .....	Steel Springs, Except Wire .....	Steel Spring Manufacturing, except Wire.
3494 .....	Valves and Pipe Fittings, NEC: Valves and Pipe Fittings, NEC (Except Metal Pipe Hangers and Supports).	Other Metal Valve and Pipe Fitting Manufacturing (pt).
	Metal Pipe Hangers and Supports .....	All Other Miscellaneous Fabricated Metal Product Manufacturing (pt).
3495 .....	Wire Springs: Wire Springs (Except Watch and Clock Springs) .....	Wire Spring Manufacturing.
	Watch and Clock Springs .....	Watch, Clock, and Part Manufacturing (pt) (Included in Computer and Electronic Product Manufacturing subsector).
3496 .....	Miscellaneous Fabricated Wire Products .....	Other Fabricated Wire Product Manufacturing (pt).
3497 .....	Metal Foil and Leaf: Laminated Aluminum Foil Rolls/Sheets for Flexible Packaging Uses.	Laminated Aluminum Foil Manufacturing for Flexible Packaging Uses (Included in Paper Manufacturing subsector).
	Foil and Foil Containers .....	All Other Miscellaneous Fabricated Metal Product Manufacturing (pt).
3498 .....	Fabricated Pipe and Pipe Fittings .....	Fabricated Pipe and Pipe Fitting Manufacturing.
3499 .....		Fabricated Metal Products, NEC:
	Powder Metallurgy .....	Metal Stamping and Powder Metallurgy Manufacturing (pt).
	Metal Boxes .....	Other Metal Container Manufacturing (pt).
	Safe and Vault Locks .....	Hardware Manufacturing (pt).
	Metal Aerosol Valves .....	Other Valve and Pipe Fitting Manufacturing (pt).
	Metal Furniture Parts, Household .....	Metal Household Furniture Manufacturing (pt) (Included in Furniture Manufacturing subsector).

TABLE 2—Continued

1987 SIC code	1987 SIC description	1997 U.S. description
	Metal Furniture Parts, Office .....	Metal Office Furniture Manufacturing (pt) (Included in Furniture Manufacturing subsector).
	Trophies, Except Precious .....	Costume Jewelry Manufacturing (Included in Miscellaneous Manufacturing subsector).
	Other Metal Products .....	All Other Miscellaneous Fabricated Metal Product Manufacturing (pt).
3523@ .....	Farm Machinery and Equipment:	
	Farm Machinery and Equipment (Except Corrals, Stalls, Holding Gates, Hand Hair Clippers for Animals, Farm Conveyors, Elevators, Loaders, Stackers and Bale Throwers).	Farm Machinery and Equipment Manufacturing (Included in Machinery Manufacturing subsector).
	Corrals, Stalls, Holding Gates .....	Ornamental and Architectural Metal Work Manufacturing (pt).
	Hand Hair Clippers for Animals .....	Hand and Edge Tool Manufacturing (pt).
	Farm Conveyors and Farm Elevators, Stackers, and Bale Throwers.	Conveyor and Conveying Equipment Manufacturing (pt) (Included in Machinery Manufacturing subsector).
3524 .....	Lawn and Garden Tractors and Home Lawn and Garden Equipment:	
	Lawn and Garden Tractors and Home Lawn and Garden Equipment (Except Nonpowered Lawnmowers).	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing (Included in Machinery Manufacturing subsector).
	Nonpowered Lawnmowers .....	Hand and Edge Tool Manufacturing (pt).
3537 .....	Industrial Trucks, Tractors, Trailers, and Stackers:	
	Industrial Trucks, Tractors, Trailers, and Stackers (Except Metal pallets and Air Cargo Containers).	Industrial Truck, Tractor, Trailer, and Stacker Manufacturing (Included in Machinery Manufacturing subsector).
	Metal Pallets .....	All Other Miscellaneous Fabricated Metal Product Manufacturing (pt).
	Metal Air Cargo Containers .....	Other Metal Container Manufacturing (pt).
3543 .....	Industrial Patterns .....	Industrial Pattern Manufacturing.
3545@ .....	Cutting Tools, Machine Tool Accessories, and Machinists' Precision Measuring Devices:	
	Cutting Tools, Machine Tool Accessories, and Machinists' Precision Measuring Devices (Except Precision Measuring Devices).	Cutting Tool and Machine Tool Accessory Manufacturing (Included in Machinery Manufacturing subsector).
	Precision Measuring Devices .....	Hand and Edge Tool Manufacturing (pt).
3562 .....	Ball and Roller Bearings .....	Ball and Roller Bearing Manufacturing.
3599 .....	Industrial and Commercial Machinery and Equipment, NEC:	
	Industrial and Commercial Machinery and Equipment, NEC (Except Flexible Metal Hose; Gasoline, Oil and Intake Filters for Internal Combustion Engines, Except those for Motor Vehicles; Carnival Amusement Park Equipment and Machine Shops).	Other Industrial Manufacturing and Industrial Commercial Machinery and Equipment (pt) (Included in Machinery Manufacturing subsector).
	Flexible Metal Hose .....	All Other Miscellaneous Fabricated Metal Product Manufacturing (pt).
	Gasoline, Oil and Intake Filters for Internal Combustion Engines, Except those for Motor Vehicles.	Other Motor Vehicle Part Manufacturing (pt) (Included in Transportation Equipment Manufacturing subsector).
	Carnival Amusement Park Equipment .....	Other Commercial and Service Industry Machinery Manufacturing (pt) (Included in Machinery Manufacturing subsector).
	Machine Shops .....	Machine Shops.
3728 .....	Aircraft Parts and Auxiliary Equipment, NEC:	
	Fluid Power Aircraft Subassemblies .....	Fluid Power Valve and Hose Fitting Manufacturing (pt).
	Other Aircraft Parts and Equipment .....	Other Aircraft Part and Auxiliary Equipment Manufacturing (pt) (Included in Transportation Equipment Manufacturing subsector).
3799@ .....	Transportation Equipment, NEC:	
	Wheelbarrows .....	Hand and Edge Tool Manufacturing (pt).
	Automobile, boat, light truck, and utility trailers .....	Travel Trailer and Camper Manufacturing (pt) (Included in Transportation Equipment Manufacturing subsector).
	Other .....	All Other Transportation Equipment Manufacturing (Included in Transportation Equipment Manufacturing subsector).
3914 .....	Silverware, Plated Ware, and Stainless Steel Ware:	
	Cutlery and Flatware Except Precious Silverware, Plated Ware, and Stainless Steel Ware (Except Nonprecious Flatware and Cutlery).	Cutlery and Flatware Manufacturing, Except Precious (pt) Silverware and Plated Ware (Included in Miscellaneous Manufacturing subsector).
3993@ .....	Signs and Advertising Specialities (Metal Signs):	
	Electrical Signs .....	Electric Sign Manufacturing (Included in Electrical Equipment, Appliance and Component Manufacturing subsector).
	Metal Signs .....	All Other Miscellaneous Fabricated Metal Product Manufacturing (pt).
	Plastic Signs .....	All Other Plastic Product Manufacturing (pt) (Included in Rubber and Plastic Product Manufacturing subsector).
	Wood Signs .....	Other Wood Product Manufacturing (pt) (Included in Wood Product Manufacturing, except Furniture subsector).

TABLE 2—Continued

1987 SIC code	1987 SIC description	1997 U.S. description
3999@	Manufacturing Industries, NEC: Beauty and Barber Chairs .....	Metal Office Furniture Manufacturing (pt) (Included in Furniture Manufacturing subsector).
	Burnt Wood Articles .....	Other Wood Product Manufacturing (pt) (Included in Wood Product Manufacturing, except Furniture subsector).
	Fur Bleaching, Currying, Scraping, Tanning and Dyeing.	Leather and Hide Tanning and Finishing Manufacturing (pt) (Included in Leather and Leather Product Manufacturing subsector).
	Lamp Shades of Paper and Textile .....	Other Lighting Equipment Manufacturing (pt) (Included in Electrical Equipment, Appliance and Component Manufacturing subsector).
	Matches .....	Other Miscellaneous Chemical Product Manufacturing (pt) (Included in Chemical Manufacturing subsector).
	Metal Products, such as Combs, Hair Curlers, etc .....	All Other Fabricated Metal Product Manufacturing (pt).
	Plastics Products, such as Combs, Hair Curlers, etc .....	All Other Plastic Product Manufacturing (pt) (Included in Rubber and Plastic Product Manufacturing subsector).
	Flexographic Printing Eyeglass Frames for the Trade	Commercial Flexographic Printing (pt) (Included in Printing and Related Support Activities subsector).
	Gravure Printing Eyeglass Frames for the Trade .....	Commercial Gravure Printing (pt) (Included in Printing and Related Support Activities subsector).
	Lithographic Printing Eyeglass Frames for the Trade	Commercial Lithographic Printing (pt) (Included in Printing and Related Support Activities subsector).
	Screen Printing Eyeglass Frames for the Trade .....	Commercial Screen Printing (pt) (Included in Printing and Related Support Activities subsector).
	Other Printing Eyeglass Frame for the Trade .....	Other Commercial Printing (pt) (Included in Printing and Related Support Activities subsector).
	Tape Measures .....	Hand and Edge Tool Manufacturing (pt).
	Other .....	All Other Miscellaneous Manufacturing (pt) (Included in Miscellaneous Manufacturing subsector).
5085	Industrial Supplies (Wholesale): Reconditioning Drums .....	Other Metal Container Manufacturing (pt).
	Other .....	(Included in Wholesale subsector).

The abbreviation "pt" means "part of"; @ means time series break has been created that is greater than 3% of the 1992 value of shipments for the 1987 SIC industry. The abbreviation NEC is used for Not Elsewhere Classified.

### *Description of Changes to the U.S. System*

A number of the changes listed in this section were made for reasons of international comparability. Where one or more of the three North American countries had different definitions of an industry classification, adjustments to the definitions in one or more countries were required. In constructing NAICS, the three countries agreed to move, where change was required to attain international comparability, in the direction of the country or countries whose existing classification definitions most closely corresponded to the production-oriented concept adopted for NAICS. Cases where the U.S. changed are listed below; other cases where Canada or Mexico moved toward the U.S. classification are not, or course, listed in this section.

Eight new industries were added to the 1997 industry structure for this industry subsector. Four of these new industries were created by breaking apart 1987 not elsewhere classified (nec)

industries. New industries were created for:

Custom Roll Forming Manufacturing from part of 1987 SIC 3449, Miscellaneous Structural Metal Work. This was requested by the industry and is defined by production process.

Metal Stamping and Powder Metallurgy Manufacturing from part of 1987 SIC 3469, Metal Stampings, NEC, and part of 1987 SIC 3499, Fabricated Metal Products, NEC. This achieves international comparability and combines activities having similar processes. The U.S. moved to match Canada.

Cutlery and Flatware Manufacturing, except Precious from 1987 SIC 3421, Cutlery, and part of 1987 SIC 3914, Silverware, Plated Ware, and Stainless Steel Ware, to achieve international comparability. The change combines activities having similar production processes.

Kitchen Utensil, Pot and Pan Manufacturing from part of 1987 SIC 3469, Metal Stampings, NEC, to achieve

international comparability. Mexico had an industry, CMAP 381411, Manufacturing of Kitchen Utensils, Pots and Pans.

Plate Work Manufacturing from part of 1987 SIC 3443, Fabricated Plate Work (Boiler Shops), to achieve international comparability. Both Canadian and Mexican classification systems contained an industry for this activity.

Power Boiler and Heat Exchanger Manufacturing from part of 1987 SIC 3443, Fabricated Plate Work (Boiler Shops), to achieve international comparability. Both Canadian and Mexican classification systems contained an industry for this activity.

Metal Tank Manufacturing (Heavy Gauge) from part of 1987 SIC 3443, Fabricated Plate Work (Boiler Shops), to achieve international comparability. Both Canadian and Mexican classification systems contained an industry for this activity.

Machine Shops from part of 1987 SIC 3599, Industrial and Commercial Machinery and Equipment, NEC, to



achieve international comparability, and combine similar production processes. This industry includes establishments engaged in machining or otherwise working of industrial material, on a job or order basis, producing parts from raw materials, or rebuilding existing parts.

Two complete industries were transferred out of this industry group, because of NAICS decisions that produced international comparability:

Heating Equipment, Except Electric and Warm Air Furnaces was transferred into the Machinery Manufacturing subsector.

Motor Vehicle Metal Stampings were transferred into the Transportation Equipment Manufacturing subsector.

Four activities were transferred out of 1987 SIC Major Group 34, Fabricated Metal Products, and are described more fully in their new respective NAICS subsectors.

Clock and watch spring manufacturing was transferred from 1987 SIC 3495, Wire Springs, into Navigational, Measuring and Control Instrument Manufacturing.

Metal laminated foil roll and sheet manufacturing for flexible packaging was transferred from part of 1987 SIC 3497, Metal Foil and Leaf, to the subsector for Paper Manufacturing, because the production processes are similar, regardless of the material used. This is the lamination, not creation of foil.

Metal cooling tower manufacturing was transferred from 1987 SIC 3443, Fabricated Plate Work, to the Machinery Manufacturing subsector for international comparability. In Canada, cooling towers are produced by establishments producing air conditioning equipment.

Metal furniture part manufacturing was transferred from 1987 SIC 3499, Fabricated Metal Products, NEC, into Metal Furniture Manufacturing.

Three industries were transferred into this subsector:

Industrial Pattern Manufacturing was transferred from 1987 SIC 3543, Industrial Patterns (in the Industrial and Commercial Machinery and Computer Equipment major groups), to achieve international comparability. The U.S. and Mexico moved to match Canada.

Metal Heat Treating was transferred from 1987 SIC 3398, Metal Heat Treating (in the Primary Metal Industries major group). This change achieves international comparability. The U.S. moved to match Canada and Mexico.

Ball and Roller Bearing Manufacturing from 1987 SIC 3562, Ball and Roller Bearings (in the Industrial and Commercial Machinery and

Computer Equipment major group). This reflects the fact that this activity is really metal fabrication. Previously, the U.S., Canada, and Mexico all had this industry in machinery.

Seventeen activities were transferred into the Fabricated Metal Product Manufacturing subsector:

Nonpowered hand-held animal clipper manufacturing was transferred from 1987 SIC 3523, Farm Machinery and Equipment, into Hand and Edge Tool Manufacturing, to achieve international comparability and combine activities having similar inputs and production processes.

Metal corral, stall, and holding gate manufacturing was transferred from 1987 SIC 3523, Farm Machinery and Equipment, into Ornamental and Architectural Metal Work Manufacturing, to achieve international comparability.

Nonpowered lawnmower manufacturing was transferred from 1987 SIC 3524, Lawn and Garden Tractors and Home, Lawn and Garden Equipment, into Hand and Edge Tool Manufacturing, to achieve international comparability and combine activities having similar inputs and production processes. The U.S. and Canada moved to agree with Mexico.

Precision measuring tool manufacturing was transferred from 1987 SIC 3545, Cutting Tools, Machine Tools Accessories and Machinist Precision Measuring Devices, into Hand and Edge Tool Manufacturing, to achieve international comparability and combine activities having similar inputs. The U.S. and Canada moved to agree with Mexico.

Wheelbarrow manufacturing was transferred from 1987 SIC 3799, Transportation Equipment, NEC, into Hand and Edge Tool Manufacturing to achieve international comparability. The U.S. and Canada moved to agree with Mexico.

Tape measure manufacturing was transferred from 1987 SIC 3999, Manufacturing Industries, NEC, into Hand and Edge Tool Manufacturing to achieve international comparability. The U.S. and Canada moved to agree with Mexico.

Metal air cargo container manufacturing was transferred from 1987 SIC 3537, Industrial Trucks, Tractors, Trailers, and Stackers, into Other Metal Container Manufacturing to achieve comparability with Mexico.

Metal pallet manufacturing was transferred from 1987 SIC 3537, Industrial Trucks, Tractors, Trailers, and Stackers, into All Other Fabricated Metal Product Manufacturing to achieve comparability with Mexico.

Reconditioning drum manufacturing was transferred from 1987 SIC 5085, Wholesale of Industrial Supplies, into Metal Shipping Barrels, Drums, Kegs, and Pails Manufacturing to achieve comparability with Mexico. In NAICS, rebuilding on a factory basis is placed in the Manufacturing sector.

Nonferrous nail, brad and staple manufacturing was transferred from 1987 SIC 3399, Primary Metal Products, into Miscellaneous Fabricated Wire Product Manufacturing to achieve international comparability, and because of similar production processes. If the process includes drawing, it remains in primary metals.

Steel nail, spike, etc., manufacturing was transferred from 1987 SIC 3315, Steel Wire Drawing and Steel Nails and Spikes, into Miscellaneous Fabricated Wire Product Manufacturing to achieve international comparability, and because of similar production processes. If the process includes drawing, it remains in primary metals.

Metal gasket packing and sealing device manufacturing was transferred from 1987 SIC 3053, Gaskets, Packing, and Sealing Devices, into All Other Fabricated Metal Product Manufacturing to achieve international comparability. The U.S. and Canada moved to match Mexico.

Steel wool manufacturing was transferred from 1987 SIC 3291, Abrasive Products, into All Other Fabricated Metal Product Manufacturing to achieve international comparability. The U.S. moved to match Canada and Mexico.

Flexible metal hose manufacturing was transferred from 1987 SIC 3599, Industry and Commercial Machinery and Equipment, NEC, into All Other Fabricated Metal Product Manufacturing to achieve international comparability.

Metal sign manufacturing was transferred from 1987 SIC 3993, Signs and Advertising Specialties, into All Other Fabricated Metal Product Manufacturing to achieve international comparability. The U.S. and Canada moved to match Mexico.

Comb, hair curler, and other metal product manufacturing was transferred from 1987 SIC 3999, Manufacturing Industries, NEC, into All Other Fabricated Metal Product Manufacturing to achieve international comparability.

Laminating steel was transferred from 1987 SIC 3399, Primary Metal Products, NEC, into Electroplating, Plating, Polishing, Anodizing and Coloring. This change achieves international comparability. The U.S. moved to match Canada and Mexico.

Also, there were several activities that transferred within the Fabricated Metal

Product Manufacturing subsector. The number of Fabricated Metal Product industries increased from 38 in 1987 to 41 in 1997. For time series linkage, 32 of the 38 1987 industries are comparable within three percent of the 1997 industries.

#### Part V—Proposed New Industry Structure for Machinery Manufacturing

##### Section A—NAICS Structure

##### North American Industry Classification System (NAICS)

###### Agreement Number 8

This Document represents the proposed agreement on the structure of the North American Industry Classification System (NAICS) for the following industries:

##### Machinery Manufacturing

The detailed NAICS structure along with a brief description of the structure is attached (Attachments 1 and 2). Each country agrees to release a copy of the proposed NAICS structure to interested data users. Comments received will be shared among the countries and additional discussions will be held before a final decision on the structure is made. Each country may add additional detailed industries, below the 4-digit level of NAICS, as necessary to meet national needs, so long as this additional detail aggregates to a 4-digit NAICS level in order to ensure full comparability among the three countries. This NAICS structure was presented and provisionally accepted at the Committee meeting held August 30, 1995—September 1, 1995 in Washington, D.C.

Accepted	Signature	Date
Canada .....	/S/ Jacob Ryten.	9/1/95
Mexico .....	/S/ Enrique Ordaz.	9/1/95
United States ..	/S/ Jack E. Triplett.	9/1/95

##### Attachment 1—NAICS Structure

XX Machinery Manufacturing  
 XXX Agricultural, Construction, and Mining Machinery Manufacturing  
 XXXX Agricultural Implement Manufacturing  
 XXXX Construction Machinery Manufacturing  
 XXXX Mining and Oil and Gas Field Machinery Manufacturing  
 XXX Industrial Machinery Manufacturing  
 XXXX Sawmill and Woodworking Machinery Manufacturing  
 XXXX Rubber and Plastic Industry Machinery Manufacturing  
 XXXX Other Industrial Machinery Manufacturing

XXX Commercial and Service Industry Machinery Manufacturing  
 XXXX Commercial and Service Industry Machinery Manufacturing  
 XXX Heating, Ventilation, Air Conditioning, and Commercial Refrigeration Manufacturing  
 XXXX Heating, Ventilation, Air Conditioning, and Commercial Refrigeration Manufacturing  
 XXX Metalworking Machinery Manufacturing  
 XXXX Metalworking Machinery Manufacturing  
 XXX Engine, Turbine, and Power Transmission Equipment Manufacturing  
 XXXX Engine, Turbine, and Power Transmission Equipment Manufacturing  
 XXX Other General Purpose Machinery Manufacturing  
 XXXX Pump and Compressor Manufacturing  
 XXXX Material Handling Equipment Manufacturing  
 XXXX All Other General Purpose Machinery Manufacturing

##### Attachment 2—North American Industry Classification System

##### Draft Classification for: Machinery Manufacturing

Representatives of the statistical agencies of Canada, Mexico, and the United States agree to a draft industrial classification for these industries.

This draft classification applies to the subsector, Machinery Manufacturing. This subsector is sub-divided into seven industry groups and thirteen industries. The subsector will be part of the Manufacturing sector of the classification.

##### A General Outline

The industries included in the Machinery Manufacturing subsector create end products that apply mechanical force, for example, the application of gears and levers to perform work. Some important processes for manufacture of machinery are forging, stamping, bending, forming, and machining that are used to shape individual pieces of metal. Processes such as welding and assembling are used to join separate parts together. These processes are similar to those used in metal fabricating establishments. However, machinery manufacturing typically employs multiple metal forming processes in manufacturing the various parts of the machine and complex assembly operations are an inherent part of the production process.

In general, design considerations are very important in machinery production. Establishments specialize in producing machinery designed for particular applications. Thus design is considered to be part of the production

process for the purpose of implementing NAICS. The structure reflects this by defining industries and industry groups that produce machinery for different applications. A broad distinction exists between machinery that is generally used in a variety of industrial applications (general purpose machinery) and machinery that is designed to be used in a particular industry (special purpose machinery). Three industry groups consist of special purpose machinery—Agricultural, Construction, and Mining Machinery Manufacturing; Industrial Machinery Manufacturing; and Commercial and Service Industry Machinery Manufacturing. The other industry groups produce general-purpose machinery—Heating, Ventilation, Air Conditioning, and Commercial Refrigeration Manufacturing; Metalworking Machinery Manufacturing; Engine, Turbine, and Power Transmission Equipment Manufacturing; and Other General Purpose Machinery Manufacturing.

##### Limitations and Constraints of the Classification

Relatively broad industries were created in several areas including: Other Industrial Machinery Manufacturing; Heating, Ventilation, Air Conditioning, and Commercial Refrigeration Manufacturing; and Engine, Turbine and Power Transmission Equipment Manufacturing. Occasionally, these aggregations are a consequence of differences in the degree of specialization of the three countries. For example, Canada cannot support a separation of mining machinery manufacturing from oil and gas field machinery manufacturing because of the combination of these activities in the same establishments.

More often, size constraints prohibit separation of activities in Canada or Mexico. For example, separate industries are possible for textile machinery manufacturing in the United States and Mexico, or for paper industry machinery manufacturing in Canada and the United States. But due to size constraints, it is not possible to create the textile machinery manufacturing industry in Canada or the paper industry machinery manufacturing industry in Mexico. Therefore, textile machinery manufacturing and paper machinery manufacturing are included in the four-digit industry, Other Industrial Machinery Manufacturing.

Each country will publish additional categories that comprise sub-divisions of industries, to present data for activities that are nationally significant.

For those users requiring detailed commodity information, each country will publish information on the products of these industries. Efforts also are underway to harmonize the commodity classifications to allow for greater comparability of these statistics.

#### *Relationship to ISIC*

Ten of the thirteen four-digit industries in this subsector can be assigned to Division 29, Manufacture of Machinery and Equipment, NEC, of the current International Standard Industrial Classification of all Economic Activities (ISIC, Revision 3) of the United Nations. The following three industries belong largely to ISIC Division 29, with the exception of the activities indicated: Mining, Oil and Gas Field Machinery (drilling bits for oilfield and gas drilling equipment); Commercial and Service Industry Machinery Manufacturing (optical instruments and lenses and photographic equipment and supplies, except photographic films, paper, and chemicals); and Other General Purpose Machinery (balance equipment, other than automotive wheel). However, because the exceptions indicated are a relatively small part of the output of these two NAICS industries, one can combine the industries of NAICS for this subsector, and be quite comparable to ISIC 29.

#### *Some Changes to the National Classifications*

The Canadian classification's Machinery Industries major group is similar in coverage to the subsector proposed here. The manufacturing of heating equipment, now treated as metal fabricating; of some office machinery, now classified as electrical equipment; and of engines, now classified as transportation equipment have been moved to this subsector. Furthermore, the structure—special-purpose machinery and general-purpose machinery—is similar. However, the classification has more detail, with thirteen industries compared to seven; the Canadian national detail adds three more.

The Mexican classification's Manufacture, Repair and Assembly of

Machinery and Equipment for Specific Purposes and Manufacture, Repair and Assembly of Machinery and Equipment for General Use have a combined coverage similar to the subsector proposed here. The manufacturing of heating equipment, now treated as metal fabricating, of some office machinery, now classified as electrical equipment, and of engines now classified as transportation equipment, have been moved to this subsector. Furthermore, the structure—special-purpose machinery and general-purpose machinery—is similar. The amount of detail in the subsector is similar to that of the existing classification.

For the United States, a major change is the movement of computers and peripherals out of this group to the new subsector for Computers and Electronic Product Manufacturing. Heating equipment, currently in the 1987 SIC Fabricated Metal major group, and optical instruments, lenses, and photographic equipment, currently in the 1987 SIC Instruments and Related Products major group, have been transferred into this subsector. Other changes involve the movement of a number of relatively small activities from one national industry to another to achieve comparability with Canada and Mexico, and/or to better meet production principles. Otherwise, the new structure, with U.S. national industry detail, is comparable with the 1987 SIC. For example, only seven 1987 U.S. industries have time series breaks that amount to more than 3 percent of the industry value of shipments in 1992.

#### *Achievement of Objectives*

The classification meets the objectives for the North American Industry Classification System (NAICS). It is comprised of industries that group establishments with similar production processes, that is, it applies the production-oriented economic concept. In the main, the hierarchical structure of the classification also follows the production concept.

The classification achieves comparability for the three participating countries. Based on existing data, all three countries expect to be able to publish data regularly at the industry (4-

digit) level of the structure. All countries agree on the detailed definitions of the industries.

Other objectives of the project are not as relevant in this area of the classification as in others. These objectives are the delineation of new and emerging industries, service industries, and industries engaged in the production of advanced technologies. The industrial sector in question is relatively mature, generally produces goods, and employs relatively stable technology. Therefore, the emphasis is on the objectives listed above.

The industries have high specialization ratios, and they are economically significant. The detail (4-digit level) and structure of the classification are balanced in size. This enhances the classification's suitability for sampling and other aspects of survey operations. Finally, disruptions to time series, while they exist, have been minimized. Most of the changes at the detail to existing classifications are marginal. The major changes are well-identified and can be taken into account in linking time series.

#### *Section B—Annex: United States National Industry Detail*

As explained in the *Structure* presentation of this notice, for a number of reasons 4-digit industries in the three industry subsectors presented in Part 1, Section A—Attachment 1, contain less detail than is currently in the U.S. SIC system, and less detail than is required to meet important analytical requirements in the U.S. The three country agreement on NAICS envisions that each country may develop national detailed industries below the industry level, so long as the national detail can be aggregated to the NAICS classification, thus assuring full North American comparability.

The ECPC is proposing U.S. 5-digit industry detail for the industry subsector covered in Part I of this notice. For cases where no 5-digit detail is shown, the ECPC is proposing that the 4-digit industries will also represent the most detailed U.S. industries.

TABLE 1

	1997 and U.S. Description	Status code	1987 SIC code	1987 SIC Description
XX .....	Machinery Manufacturing:			
XXX .....	Agriculture, Construction, and Mining Machinery Manufacturing:			
XXXX ...	Agricultural Implement Manufacturing:			

TABLE 1—Continued

	1997 and U.S. Description	Status code	1987 SIC code	1987 SIC Description
XXXXX	Farm Machinery and Equipment Manufacturing.	R	*3523	Farm Machinery and Equipment (Except Corrals, Stalls, Holding Gates, Hand Clippers for Animals, and Farm Conveyors/Elevators).
XXXXX	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing.	R	*3524	Lawn and Garden Tractors and Home Lawn and Garden Equipment (Except Nonpowered Lawnmowers).
XXXX ...	Construction Machinery Manufacturing .....	R	*3531	Construction Machinery and Equipment (Except Railway Track Maintenance Equipment; Winches, Aerial Work Platforms; and Automotive Wreckers Hoists).
XXXX ...	Mining and Oil and Gas Field Machinery Manufacturing:			
XXXXX	Mining Machinery and Equipment Manufacturing.	E	3532	Mining Machinery and Equipment, Except Oil and Gas Field Machinery and Equipment.
XXXXX	Oil and Gas Field Machinery and Equipment Manufacturing.	E	3533	Oil and Gas Field Machinery and Equipment.
XXX .....	Industrial Machinery Manufacturing:			
XXXX ...	Sawmill and Woodworking Machinery Manufacturing.	E	3553	Woodworking Machinery.
XXXX ...	Rubber and Plastic Industry Machinery Manufacturing.	N	*3559	Special Industry Machinery, NEC (Rubber and Plastics Manufacturing Machinery).
XXXX ...	Other Industrial Machinery Manufacturing:			
XXXXX	Textile Machinery Manufacturing .....	E	3552	Textile Machinery.
XXXXX	Paper Industry Machinery Manufacturing ...	E	3554	Paper Industries Machinery.
XXXXX	Printing Machinery and Equipment Manufacturing.	E	3555	Printing Trades Machinery and Equipment.
XXXXX	Food Product Machinery Manufacturing .....	E	3556	Food Products Machinery.
XXXXX	Semiconductor Machinery Manufacturing ...	N	*3559	Special Industry Machinery, NEC (Semiconductor Machinery Manufacturing).
XXXXX	All Other Industrial Machinery Manufacturing.	R	*3559	Special Industry Machinery, NEC (Except Rubber and Plastics Manufacturing Machinery, Semiconductor Manufacturing Machinery, and Automotive Maintenance Equipment).
XXX .....	Commercial and Service Industry Machinery Manufacturing:			
XXXX ...	Commercial and Service Industry Machinery Manufacturing:			
XXXXX	Automatic Vending Machine Manufacturing	E	3581	Automatic Vending Machines.
XXXXX	Commercial Laundry, Drycleaning and Pressing Machine Manufacturing.	E	3582	Commercial Laundry, Drycleaning and Pressing Machines.
XXXXX	Office Machinery Manufacturing .....	N	*3578	Calculating and Accounting Machinery, Except Electronic Computers (Except Point of Sales Terminals (Scanning Devices) and Funds Transfer Devices).
.....	.....		*3579	Office Machines, NEC (Except Timeclocks, Time Stamps, Pencil Sharpeners, Stapling Machines, etc.).
XXXXX	Optical Instrument and Lense Manufacturing.	E	3827	Optical Instruments and Lenses.
XXXXX	Photographic and Photocopying Equipment Manufacturing.	N	*3861	Photographic Equipment and Supplies (Except Photographic Films, Paper and Chemicals).
XXXXX	Other Commercial and Service Industry Machinery Manufacturing.	R	*3559	Special Industry Machinery, NEC (Automotive Maintenance Equipment).
			3589	Service Industry Machinery, NEC.
			*3599	Industrial and Commercial Machinery and Equipment, NEC (Carnival Amusement Park Equipment).
			*3699	Electrical Machinery, Equipment and Supplies, NEC (Electronic Teaching Machines and Flight Simulators).
XXX .....	Heating, Ventilation, Air-Conditioning, and Commercial Refrigeration Manufacturing:		.....	
XXXX ...	Heating, Ventilation, Air-Conditioning, and Commercial Refrigeration Manufacturing:		.....	
XXXXX	Heating Equipment Manufacturing, Except Electric and Warm Air Furnaces.	R	3433	Heating Equipment, Except Electric and Warm Air Furnaces.
			3634	Electric Housewares and Fans (Permanent Electric Wall and Baseboard Heating Equipment).
XXXXX	Air Purification Equipment Manufacturing	N	*3564	Industrial and Commercial Fans and Blowers and Air Purification Equipment (Air Purification Equipment).
XXXXX	Industrial and Commercial Fan and Blower Manufacturing.	R	*3564	Industrial and Commercial Fans and Blowers and Air Purification Equipment (Fans and Blowers).
XXXXX	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing.	R	*3443	Fabricated Plate Work (Boiler Shops) (Metal Cooling Towers).

TABLE 1—Continued

	1997 and U.S. Description	Status code	1987 SIC code	1987 SIC Description
			*3585	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment (Except Water Coolers).
XXX .....	Metalworking Machinery Manufacturing:		.....	
XXXX ...	Metalworking Machinery Manufacturing:		.....	
XXXXX	Machine Tool Manufacturing, Metal Cutting Types.	E	3541	Machine Tools, Metal Cutting Type.
XXXXX	Machine Tool Manufacturing, Metal Forming Types.	E	3542	Machine Tools, Metal Forming Type.
XXXXX	Special Die and Tool, Die Set, Jig, and Fixture Manufacturing.	R	*3544	Special Dies and Tools, Die Sets, Jigs and Fixtures, and Industrial Molds (Except Molds).
XXXXX	Industrial Mold Manufacturing .....	R	*3544	Special Dies and Tools, Die Sets, Jigs and Fixtures, and Industrial Molds (Molds).
XXXXX	Cutting Tool and Machine Tool Accessory Manufacturing.	R	*3545	Cutting Tools, Machine Tool Accessories, and Machinists' Precision Measuring Devices (Except Precision Measuring Devices).
XXXXX	Rolling Mill Machinery and Equipment Manufacturing.	E	3547	Rolling Mill Machinery and Equipment.
XXXXX	Other Metalworking Machinery Manufacturing .....	E	3549	Metalworking Machinery, NEC.
XXX .....	Engine, Turbine, and Power Transmission Equipment Manufacturing:			
XXXX ...	Engine, Turbine, and Power Transmission Equipment Manufacturing:			
XXXXX	Steam, Gas, and Hydraulic Turbine, and Turbine Generator Set Unit Manufacturing.	E	3511	Steam, Gas, and Hydraulic Turbines, and Turbine Generator Set Units.
XXXXX	Speed Changer, Industrial High-Speed Drive, and Gear Manufacturing.	E	3566	Speed Changers, Industrial High-Speed Drives, and Gears.
XXXXX	Mechanical Power Transmission Equipment Manufacturing.	E	3568	Mechanical Power Transmission Equipment, NEC.
XXXXX	Other Engine Equipment Manufacturing .....	R	*3519	Internal Combustion Engines, NEC (Except Stationary Engine Radiators).
			*3699	Electrical Machinery, Equipment and Supplies, NEC (Outboard Electric Motors).
XXX .....	Other General Purpose Machinery Manufacturing:			
XXXX ...	Pump and Compressor Manufacturing:			
XXXXX	Pump and Pumping Equipment Manufacturing.	E	3561	Pumps and Pumping Equipment.
			*3743	Railroad Equipment (Locomotive Fuel Lubricating or Cooling Medium Pumps).
XXXXX	Air and Gas Compressor Manufacturing .....	E	3563	Air and Gas Compressors.
XXXXX	Measuring and Dispensing Pump Manufacturing.	E	3586	Measuring and Dispensing Pumps.
XXXX ...	Material Handling Equipment Manufacturing:			
XXXXX	Elevator and Moving Stairway Manufacturing	E	3534	Elevators and Moving Stairways.
XXXXX	Conveyor and Conveying Equipment Manufacturing.	R	*3523	Farm Machinery and Equipment (Conveyors and Elevators).
	.....		3535	Conveyors and Conveying Equipment.
XXXXX	Overhead Traveling Crane, Hoist, and Monorail System Manufacturing.	R	3536	Overhead Traveling Cranes, Hoists, and Monorail Systems.
	.....		*3531	Construction Machinery and Equipment (Winches, Aerial Work Platforms, and Automobile Wrecker Hoists).
XXXXX	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing.	R	*3537	Industrial Trucks, Tractors, Trailers, and Stackers (Except Metal Pallets and Metal Air Cargo Containers).
XXXX ...	All Other General Purpose Machinery Manufacturing:			
XXXXX	Power-Driven Hand Tool Manufacturing .....	E	3546	Power-Driven Handtools.
XXXXX	Welding and Soldering Equipment Manufacturing.	R	*3548	Electric and Gas Welding and Soldering Equipment (Except Transformers for Arc-Welding).
XXXXX	Packaging Machinery Manufacturing .....	E	3565	Packaging Machinery.
XXXXX	Industrial Process Furnace and Oven Manufacturing.	E	3567	Industrial Process Furnaces and Ovens.
XXXXX	Fluid Power Cylinder and Actuator Manufacturing.	E	3593	Fluid Power Cylinders and Actuators.
XXXXX	Fluid Power Pump and Motor Manufacturing .	E	3594	Fluid Power Pumps and Motors.
XXXXX	Scale and Balance Manufacturing, Except Laboratory.	E	3596	Scales and Balances, Except Laboratory.
XXXXX	All Other General Purpose Machinery Manufacturing.		3599	Industrial and Commercial Machinery and Equipment, NEC (Other Machinery).

TABLE 1—Continued

	1997 and U.S. Description	Status code	1987 SIC code	1987 SIC Description
			3569	General Industrial Machinery and Equipment, NEC.

The definitions of status codes are as follows: E—existing industry; N—new industry; R—revised industry; and \* means “part of”. The abbreviation NEC is used for Not Elsewhere classified.

TABLE 2

1987 SIC code	1987 SIC description	1997 U.S. description
3433 .....	Heating Equipment, Except Electric and Warm Air Furnaces.	Heating Equipment Manufacturing, Except Electric and Warm Air Furnaces (pt).
3443@ .....	Fabricated Plate Work (Boiler Shops): Fabricated Plate Work and Metal Weldments ....	Plate Work Manufacturing (Included in Fabricated Metal Product subsector).
	Power Boilers and Heat Exchangers .....	Power Boiler and Heat Exchanger Manufacturing (Included in Fabricated Metal Product subsector).
	Heavy Gauge Tanks .....	Metal Tank Manufacturing (Heavy Gauge) (Included in Fabricated Metal Product subsector).
	Metal Cooling Towers .....	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing (pt).
3511 .....	Steam, Gas, and Hydraulic Turbines, and Turbine Generator Set Units.	Steam, Gas, and Hydraulic Turbine, and Turbine Generator Set Unit Manufacturing.
3519 .....	Internal Combustion Engines, NEC Stationary Engine Radiators. Internal Combustion Engines, NEC; (Except Stationary Engine Radiators).	Other Motor Vehicle Part Manufacturing (pt) (Included in Transportation Equipment Manufacturing subsector). Other Engine Equipment Manufacturing (pt).
3523 .....	Farm Machinery and Equipment: Farm Machinery and Equipment (Except Corals, Stalls, Holding Gates, Hand Clippers for Animals, Farm Conveyors/Elevators. Metal Corals, Stalls, Holding Gates .....	Farm Machinery and Equipment Manufacturing.  Architectural and Ornamental Metal Work Manufacturing (pt) (Included in Fabricated Metal Product Manufacturing subsector).
	Hand Hair Clippers for Animals .....	Hand and Edge Tool Manufacturing (pt) (Included in Fabricated Metal Product Manufacturing subsector).
	Farm Conveyors and Farm Elevators .....	Conveyor and Conveying Equipment Manufacturing (pt).
3524 .....	Lawn and Garden Tractors and Home Lawn and Garden Equipment: Lawn and Garden Tractors and Home Lawn and Garden Equipment (Except Nonpowered Lawnmowers). Nonpowered Lawnmowers .....	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing.  Hand and Edge Tool Manufacturing (pt) (Included in Fabricated Metal Product Manufacturing subsector).
3531@ .....	Construction Machinery and Equipment: Construction Machinery and Equipment (Except Railway Track Maintenance Equipment; Winches, Aerial Work Platforms; and Automotive Wrecker Hoists). Railway Track Maintenance Equipment .....	Construction Machinery Manufacturing.  Railroad Rolling Stock Manufacturing (pt) (Included in Transportation Equipment Manufacturing subsector).
	Winches, Aerial Work Platforms; and Automotive Wrecker Hoists.	Overhead Traveling Crane, Hoist, and Monorail System Manufacturing (pt).
3532 .....	Mining Machinery and Equipment, Except Oil and Gas Field Machinery and Equipment.	Mining Machinery and Equipment Manufacturing.
3533 .....	Oil and Gas Field Machinery and Equipment .....	Oil and Gas Field Machinery and Equipment Manufacturing.
3534 .....	Elevators and Moving Stairways .....	Elevator and Moving Stairway Manufacturing (pt).
3535 .....	Conveyors and Conveying Equipment .....	Conveyor and Conveying Equipment Manufacturing (pt).
3536 .....	Overhead Traveling Cranes, Hoists and Monorail Systems.	Overhead Traveling Crane, Hoist and Monorail System Manufacturing (pt).
3537 .....	Industrial Trucks, Tractors, Trailers, and Stackers: Industrial Trucks, Tractors, Trailers, and Stackers (Except Metal Pallets and Air Cargo Containers). Metal Pallets .....	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing.  All Other Fabricated Metal Product Manufacturing (pt) (Included in Fabricated Metal Product Manufacturing subsector).
	Metal Air Cargo Containers .....	Other Metal Container Manufacturing (pt) (Included in Fabricated Metal Product Manufacturing subsector).
3541 .....	Machine Tools, Metal Cutting Type .....	Machine Tool Manufacturing, Metal Cutting Types.

TABLE 2—Continued

1987 SIC code	1987 SIC description	1997 U.S. description
3542 .....	Machine Tools, Metal Forming Type .....	Machine Tool Manufacturing, Metal Forming Types.
3543 .....	Industrial Patterns .....	Industrial Pattern Manufacturing (Included in Fabricated Metal Product Manufacturing subsector).
3544 .....	Special Dies and Tools, Die Sets, Jigs and Fixtures, and Industrial Molds: Special Dies and Tools, Die Sets, Jigs and Fixtures. Industrial Molds .....	Special Die and Tool, Die Set, Jig, and Fixture Manufacturing. Industrial Mold Manufacturing.
3545@ .....	Cutting Tools, Machine Tool Accessories, and Machinists' Precision Measuring Devices: Precision Measuring Devices .....	Hand and Edge Tool Manufacturing (pt) (Included in Fabricated Metal Product Manufacturing subsector). Cutting Tool and Machine Tool Accessory Manufacturing.
3546 .....	Other .....	Power-Driven Hand Tool Manufacturing.
3547 .....	Power-Driven Handtools .....	Rolling Mill Machinery and Equipment Manufacturing.
3548@ .....	Rolling Mill Machinery and Equipment .....	Welding and Soldering Equipment Manufacturing Power, Distribution, and Specialty Transformer Manufacturing (pt) (Included in Electrical Equipment, Appliance and Component Manufacturing subsector).
3549 .....	Electric and Gas Welding and Soldering Equipment .....	Other Metalworking Machinery Manufacturing.
3552 .....	Welding and Soldering Equipment Trans- formers for Arc-Welding.	Textile Machinery Manufacturing.
3553 .....	Metalworking Machinery, NEC .....	Sawmill and Woodworking Machinery Manufacturing.
3554 .....	Textile Machinery .....	Paper Industry Machinery Manufacturing.
3555 .....	Woodworking Machinery .....	Printing Trades Machinery and Equipment Manufacturing.
3556 .....	Paper Industries Machinery .....	Food Product Machinery Manufacturing.
3559@ .....	Printing Trades Machinery and Equipment .....	Food Product Machinery Manufacturing.
3559@ .....	Food Products Machinery .....	All Other Industrial Machinery Manufacturing (pt).
3559@ .....	Special Industry Machinery, NEC: Special Industry Machinery, NEC (Except Rubber and Plastics Manufacturing Machinery, Semiconductor Manufacturing Machinery and Automotive Maintenance Equipment). Rubber and Plastics Manufacturing Machinery .. Automotive Maintenance Equipment .....	Rubber and Plastic Industry Machinery Manufacturing. Other Commercial and Service Industry Machinery Manufacturing (pt).
3561 .....	Semiconductor Machinery Manufacturing .....	Semiconductor Manufacturing Machinery.
3562 .....	Pumps and Pumping Equipment .....	Pump and Pumping Equipment Manufacturing.
3563 .....	Ball and Roller Bearings .....	Ball and Roller Bearing Manufacturing (Included in Fabricated Metal Product Manufacturing subsector).
3564 .....	Air and Gas Compressors .....	Air and Gas Compressor Manufacturing.
3565 .....	Industrial and Commercial Fans and Blowers and Air Purification Equipment: Air Purification Equipment .....	Air Purification Equipment Manufacturing.
3566 .....	Fans and Blowers .....	Industrial and Commercial Fan and Blower Manufacturing.
3567 .....	Packaging Machinery .....	Packaging Machinery Manufacturing.
3568 .....	Speed Changers, Industrial High-Speed Drives, and Gears.	Speed Changer, Industrial High-Speed Drive, and Gear Manufacturing.
3569 .....	Industrial Process Furnaces and Ovens .....	Industrial Process Furnaces and Oven Manufacturing.
3571 .....	Mechanical Power Transmission Equipment, NEC	Mechanical Power Transmission Equipment Manufacturing.
3572 .....	General Industrial Machinery and Equipment, NEC	All Other General Purpose Machinery Manufacturing (pt).
3575 .....	Electronic Computers .....	Electronic Computer Manufacturing (Included in Computer and Electronic Product Manufacturing subsector).
3577 .....	Computer Storage Devices .....	Computer Storage Device Manufacturing (Included in Computer and Electronic Product Manufacturing subsector).
3578@ .....	Computer Terminals .....	Computer Terminal Manufacturing (Included in Computer and Electronic Product Manufacturing subsector).
3579@ .....	Computer Peripheral Equipment, NEC .....	Computer Peripheral Equipment Manufacturing (pt) (Included in Computer and Electronic Product Manufacturing subsector).
3579@ .....	Calculating and Accounting Machinery, Except Electronic Computers: Calculating and Accounting Machinery, Except Electronic Computers (Except Point of Sales Terminals and Funds Transfer Devices). Point of Transfer Terminals and Fund Transfer Devices.	Office Machinery Manufacturing (pt).
3579@ .....	Office Machines, NEC: Office Machines, NEC (Except Timeclocks, Time Stamps, Pencil Sharpeners, Stapling Machines, etc.). Timeclocks, Time Stamps .....	Other Computer Peripheral Equipment Manufacturing (pt) (Included in Computer and Electronic Product Manufacturing subsector).
3579@ .....	Pencil Sharpeners, Stapling Machines, etc. ....	Office Machinery Manufacturing (pt).
3579@ .....		Watch, Clock, and Part Manufacturing (pt) (Included in Computer and Electronic Product Manufacturing subsector).
3579@ .....		Lead Pencil, Crayon and Artist Material Manufacturing (pt) (Included in Miscellaneous Manufacturing subsector).

TABLE 2—Continued

1987 SIC code	1987 SIC description	1997 U.S. description
3581 .....	Automatic Vending Machines .....	Automatic Vending Machines Manufacturing.
3582 .....	Commercial Laundry, Drycleaning, and Pressing Machines.	Commercial Laundry, Drycleaning, and Pressing Machines Manufacturing.
3585 .....	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment.	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing.
	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment (Except Water Coolers).	Household Refrigerator and Home and Farm Freezer Manufacturing (pt) (Included in Electrical Equipment, Appliance and Component Manufacturing subsector).
	Water Coolers .....	Measuring and Dispensing Pump Manufacturing.
3586 .....	Measuring and Dispensing Pumps .....	Other Commercial and Service Industry Machinery Manufacturing (pt).
3589 .....	Service Industry Machinery .....	Carburetor, Piston, Piston Ring, and Valve Manufacturing (Included in Transportation Equipment Manufacturing subsector).
3592 .....	Carburetors, Pistons, Piston Rings, and Valves ....	Fluid Power Cylinder and Actuator Manufacturing.
3593 .....	Fluid Power Cylinders and Actuators .....	Fluid Power Pump and Motor Manufacturing.
3594 .....	Fluid Power Pumps and Motors .....	Scales and Balance Manufacturing, Except Laboratory.
3596 .....	Scales and Balances, Except Laboratory .....	
3599@ .....	Industrial and Commercial Machinery and Equipment, NEC:	
	Industrial and Commercial Machinery and Equipment, NEC (Other Machinery).	All Other General Purpose Machinery Manufacturing (pt).
	Flexible Metal Hose .....	All Other Fabricated Metal Product Manufacturing (pt) (Included in Fabricated Metal Product Manufacturing subsector).
	Gasoline, Oil and Intake Filters for Internal Combustion.	Other Motor Vehicle Part Manufacturing (pt) (Included in Transportation Equipment Manufacturing subsector).
	Engines, Except those for Motor Vehicles .....	Equipment Manufacturing subsector).
	Carnival Amusement Park Equipment .....	Other Commercial and Service Industry Machinery Manufacturing (pt).
	Machine Shops .....	Machine Shops (Included in Fabricated Metal Product Manufacturing subsector).
3634 .....	Electric Housewares and Fans:	
	Electric Housewares and Fans (Except Permanent Electric Wall and Baseboard heating Units).	Electric Housewares and Fan Manufacturing (pt) (Included in Electrical Equipment, Appliance and Component Manufacturing subsector).
	Permanent Electric Wall and Baseboard Heating Units.	Heating Equipment Manufacturing, Except Electric and Warm Air Furnaces (pt).
3639 .....	Household Appliances, NEC:	
	Floor Waxing and Floor Polishing Machines .....	Household Vacuum Cleaner Manufacturing (pt) (Included in Electrical Equipment, Appliance and Component Manufacturing subsector).
	Household Sewing Machines .....	All Other Industrial Machinery Manufacturing (pt).
	Other .....	Other Household Appliance Manufacturing (pt) (Included in Electrical Equipment, Appliance and Component Manufacturing subsector).
3699 .....	Electrical Machinery, Equipment, and Supplies, NEC:	
	Electronic Teaching Machines and Flight Simulators.	Other Commercial and Service Industry Machinery Manufacturing (pt).
	Outboard Electric Motors .....	Other Engine Manufacturing (pt) (Included in Transportation Equipment Manufacturing subsector).
	Bar Code Scanners .....	Other Computer Peripheral Equipment Manufacturing (pt) (Included in Computer and Electronic Product Manufacturing subsector).
	Lasers .....	Classify According to Function.
	Christmas tree lighting sets, electric insect lamps.	Other Lighting Equipment Manufacturing (pt) (Included in Electrical Equipment, Appliance and Component Manufacturing subsector).
	Other .....	Other Electrical Industrial Apparatus Manufacturing (pt) (Included in Electrical Equipment, Appliance and Component Manufacturing subsector).
3743 .....	Railroad Equipment:	
	Railroad Equipment (Except Railroad Locomotive Pumps).	Railroad Equipment Manufacturing (Included in Transportation Equipment Manufacturing subsector).
	Locomotive Fuel Lubricating or Cooling Medium Pumps.	Pump and Pumping Equipment Manufacturing.
3827 .....	Optical Instruments and Lenses .....	Optical Instrument and Lense Manufacturing.
3861@ .....	Photographic Equipment and Supplies:	



TABLE 2—Continued

1987 SIC code	1987 SIC description	1997 U.S. description
	Photographic Equipment and Supplies (Except Photographic Films, Paper and Chemicals).	Photographic and photocopying Equipment Manufacturing.

The abbreviation "pt" means "part of", @ means times series break has been created that is greater than 3% of the 1992 value of shipments for the 1987 SIC industry. The abbreviation NEC is used for Not Elsewhere Classified.

### *Description of changes to the U.S. System*

A number of the changes listed in this section were made for reasons of international comparability. Where one or more of the three North American countries had different definitions of an industry classification, adjustments to the definitions of one or more countries were required. In constructing NAICS, the three countries agreed to move, where change was required to attain international comparability, in the direction of the country or countries whose existing classification definitions most closely corresponded to the production-oriented concept adopted for NAICS. Cases where the U.S. changed are listed below; other cases where Canada or Mexico moved toward the U.S. classification are not, of course, listed in this section.

Five new industries were added to the 1997 industry structure for this industry subsector. New industries were created for:

**Semiconductor Machinery**  
Manufacturing from part of 1987 SIC 3559, Special Industry Machinery, NEC, in response to an industry proposal and because of the highly specialized production processes involved.

**Rubber and Plastic Industry Machinery** Manufacturing from part of 1987 SIC 3559, Special Industry Machinery, NEC, in response to a plastics industry proposal and because of the highly specialized production processes involved. Rubber machinery was included with plastics machinery because of shared production characteristics.

**Air Purification Equipment**  
Manufacturing from part of 1987 SIC 3564, Industrial and Commercial Fans and Blowers and Air Purification Equipment, in response to an industry proposal and because of highly specialized production processes involved.

**Office Machinery** Manufacturing from part of 1987 SIC 3578, Calculating and Accounting Machinery, Except Electronic Computers, and from part of 1987 SIC 3579, Office Machines, NEC, to achieve international comparability. Mexico has a separate class already broken out. More advanced electronic office machinery is placed in the new

**Computer and Electronic Product Manufacturing** subsector, because the production processes are very different.

**Photographic and Photocopying Equipment** Manufacturing from Part of 1987 SIC 3861, Photographic Equipment and Supplies, to achieve international comparability.

Seven industries were removed from this industry group, and transferred elsewhere. All seven of these were moved to achieve international comparability, or to create the new Computer and Electronic Product Manufacturing subsector.

**Industrial Pattern** Manufacturing was transferred into the Fabricated Metal Product Manufacturing subsector.

**Ball and Roller Bearing** Manufacturing was transferred into the Fabricated Metal Product Manufacturing subsector.

**Carburetor, Piston, Piston Ring, and Valve** Manufacturing was transferred into the Transportation Equipment Manufacturing subsector.

**Electronic Computer** Manufacturing was transferred into the Computer and Electronic Component Manufacturing subsector.

**Computer Storage Product Device** Manufacturing was transferred into the Computer and Electronic Product Manufacturing subsector.

**Computer Terminal** Manufacturing was transferred into the Computer and Electronic Product Manufacturing subsector.

**Computer Peripheral Equipment**, NEC was transferred into the Computer and Electronic Product Manufacturing subsector.

Fifteen activities transferred out of 1987 Major Group 35, Industrial and Commercial Machinery and Computer Equipment, and are described more fully in their new respective subsectors.

**Ferrous and nonferrous mold** manufacturing was transferred from part of 1987 SIC 3544, Special Dies and Tools, Die Sets, Jigs and Fixtures, and Industrial Molds, into the Primary Metal Manufacturing subsector.

**Hand hair clippers** for animals and metal corral, stall, and holding gate manufacturing were transferred from part of 1987 SIC 3523, Farm Machinery and Equipment, into the Fabricated Metal Product Manufacturing subsector.

**Nonpowered lawn mower** manufacturing was transferred from part of 1987 SIC 3524, Lawn and Garden Tractors and Home Lawn and Garden Equipment, into the Fabricated Metal Product Manufacturing subsector.

**Precision measuring tool** manufacturing was transferred from part of 1987 SIC 3545, Cutting Tools, Machine Tool Accessories, and Machinists' Precision Measuring Devices, into the Fabricated Metal Product Manufacturing subsector.

**Metal air cargo container** and metal pallet manufacturing was transferred from part of 1987 SIC 3537, Industrial Trucks, Tractors, Trailers, and Stackers, into the Fabricated Metal Product Manufacturing subsector.

**Machine shops** were transferred from part of 1987 SIC 3599, Industrial and Commercial Machinery and Equipment, NEC, into the Fabricated Metal Product

Manufacturing subsector, to achieve international comparability. Canada had machine shops in CSIC 30, Fabricated Metal Products Industries.

**Stationery engine radiator** manufacturing was transferred from part of 1987 SIC 3519, Internal Combustion Engines, NEC, into the Transportation Equipment Manufacturing subsector.

**Gasoline, oil, and air filters** for internal combustion engines, except motor vehicle was transferred from part of 1987 SIC 3599, Industrial and Commercial Machinery and Equipment, NEC, into the Transportation Equipment Manufacturing subsector.

**Railway track maintenance equipment** manufacturing was transferred from part of 1987 SIC 3531, Construction Machinery and Equipment, into the Transportation Equipment Manufacturing subsector.

**Arc-welding transformer** manufacturing was transferred from part of 1987 SIC 3548, Electric and Gas Welding and Soldering Equipment, into the Electrical Equipment, Appliance and Component Manufacturing subsector.

**Water cooler** manufacturing was transferred from 1987 SIC 3585, Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment, into the Electrical Equipment, Appliance

and Component Manufacturing subsector.

Point of sale (computerized cash register), fund transfer machine, and automatic teller machine terminal manufacturing was transferred from part of 1987 SIC 3578, Calculating and Accounting Machines, Except Electronic Computers, into the Computer and Electronic Product Manufacturing subsector.

Pencil sharpener and stapling machine manufacturing was transferred from part of 1987 SIC 3579, Office Machines, NEC, into the Miscellaneous Manufacturing subsector.

Time clock and other time recording device manufacturing was transferred from part of 1987 SIC 3579, Office Machines, NEC, into the Computer and Electronic Product Manufacturing subsector.

Two industries were transferred into this subsector:

Heating equipment manufacturing, except electric and warm air furnaces was transferred from 1987 SIC 3433, Heating Equipment, Except Electric and Warm Air Furnace (in the Fabricated Metal Manufacturing major group), to achieve international comparability. Canada had this in machinery manufacturing.

Optical Instrument and Lense Manufacturing was transferred from 1987 SIC 3827, Optical Instrument and Lenses, to achieve international comparability.

Six activities were transferred into the Machinery Manufacturing subsector.

Household sewing machine manufacturing was transferred from part of 1987 SIC 3639, Household Appliances, NEC, into All Other Industrial Machinery Manufacturing, to achieve international comparability. The U.S. and Canada moved to agree with Mexico, because the manufacture of household and industrial sewing machines are similar production processes.

Teaching machine and flight simulator manufacturing was transferred from part of 1987 SIC 3699, Electrical Machinery, Equipment, and Supplies, NEC, into Other Commercial and Service Industry Machinery Manufacturing, to achieve international comparability. The U.S. and Canada moved to match Mexico.

Metal cooling tower manufacturing was transferred from part of 1987 SIC 3443, Fabricated Plate Work (Boiler Shops), into Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing, to achieve international comparability. Canada

includes cooling towers in CSIC 31, Machinery Industries.

Permanent electric wall and baseboard heating equipment manufacturing was transferred from part of 1987 SIC 3634, Electric Housewares and Fans into Heating Equipment, Except Electric and Warm Air Furnace Manufacturing, to achieve international comparability. The U.S. and Canada (from CSIC 30, Fabricated Metals) moved to match Mexico.

Locomotive fuel lubricating and cooling medium pump manufacturing was transferred from part of 1987 SIC 3743, Railroad Equipment, into Pump and Pumping Equipment Manufacturing, to reflect similarities in production.

Outboard electric motor manufacturing was transferred from part of 1987 SIC 3699, Electrical Machinery, Equipment, and Supplies, NEC, into Other Engine Manufacturing, to achieve international comparability. The U.S. moved to match Canada and Mexico.

Also, there were several activities that transferred within the Machinery Manufacturing subsector. The number of machinery manufacturing industries increased from 38 in 1987 to 46 in 1997. For time series linkage, 31 of the 1987 industries are comparable within three percent of the 1997 industries.

Part VI—Proposed New Industry Structure for Electrical Equipment, Appliance and Component Manufacturing

#### Section A—NAICS Structure

North American Industry Classification System (NAICS)  
Agreement Number 9

This Document represents the proposed agreement on the structure of the North American Industry Classification System (NAICS) for the following industries: Electrical Equipment, Appliance and Component Manufacturing.

The detailed NAICS structure along with a brief description of the structure is attached (Attachments 1 and 2). Each country agrees to release a copy of the proposed NAICS structure to interested data users. Comments received will be shared among the countries and additional discussions will be held before a final decision on the structure is made. Each country may add additional detailed industries, below the 4-digit level of NAICS, as necessary to meet national needs, so long as this additional detail aggregates to a 4-digit NAICS level in order to ensure full comparability among the three countries.

This NAICS structure was presented and provisionally accepted at the NAICS Committee meeting held on August 30, 1995–September 1, 1995 in Washington, DC.

Accepted	Signature	Date
Canada .....	/S/ Jacob Ryten.	9/1/95
Mexico .....	/S/ Enrique Ordaz.	9/1/95
United States ..	/S/ Jack E. Triplet.	9/1/95

#### Attachment 1—NAICS Structure

XX Electrical Equipment, Appliance, and Component Manufacturing  
 XXX Electric Lighting, Equipment and Sign Manufacturing  
 XXXX Electric Lamp Bulb and Part Manufacturing  
 XXXX Electric Sign and Lighting Fixture Manufacturing  
 XXX Household Appliance Manufacturing  
 XXXX Small Electrical Appliance Manufacturing  
 XXXX Major Appliance Manufacturing  
 XXX Electrical Equipment Manufacturing  
 XXXX Electrical Equipment Manufacturing  
 XXX Other Electrical Equipment and Component Manufacturing  
 XXXX Accumulator and Battery Manufacturing  
 XXXX Communication and Energy Wire Manufacturing  
 XXXX Accessories and Conductors for Carrying Current Manufacturing  
 XXXX All Other Electrical Equipment and Component Manufacturing

#### Attachment 2—North American Industry Classification System

Draft Classification for:  
Electrical Equipment, Appliance and Component Manufacturing

Representatives of the statistical agencies of Canada, Mexico, and the United States agree to a draft industrial classification for these industries.

This draft classification applies to the subsector, Electrical Equipment, Appliance and Component Manufacturing. This subsector is subdivided into four industry groups and nine industries. This subsector is part of the Manufacturing sector.

#### A General Outline

The Electrical Equipment, Appliance and Component Manufacturing industries create products that generate, distribute and use electrical power. While establishments classified in many parts of manufacturing make products that use electricity, the manufacture of electric lighting equipment and signs and household appliances require particular attention to the application of electricity. That is the reason for their inclusion in this subsector.

Electrical Equipment Manufacturing establishments produce goods that generate and distribute electrical power, or that are made with similar production technology, such as motors, generators, transformers and switchgear apparatus. Other Electrical Equipment and Component Manufacturing establishments produce devices for storing electrical power (e.g., accumulators), for transmitting electricity (e.g., insulated wire), and accessories for carrying current. Activities in both Electrical Equipment Manufacturing and Other Electrical Equipment and Component Manufacturing industry groups all involve the manufacture of machinery for the generation and distribution of power.

#### *Limitations and Constraints of the Classification*

In the Electrical Equipment, Appliance and Component Manufacturing subsector, most activities identified in one country exist in the others. The way activities are combined in establishments differs to some extent in the different countries. For example, Canada cannot separate the manufacturing of household cooking equipment from refrigerators and freezers because these activities are often combined in Canadian establishments. Often an activity is not economically significant to the same degree in all countries. For example, size constraints in Canada prohibit separating the manufacture of batteries from accumulators. For those reasons, some NAICS industries in this subsector are broader than would be desirable in a system that distinguishes as does NAICS among production processes. Each country will publish additional categories that comprise subdivisions of NAICS industries to present data for activities that are nationally significant.

For those users requiring detailed commodity information, each country will publish information on the products of these industries. Efforts are also underway to harmonize the commodity classifications to allow comparability of these statistics.

#### *Relationship to ISIC*

Most of the NAICS four-digit industries created in this subsector can be assigned to Division 28, Manufacture of Fabricated Metal Products, Except Machinery and Equipment or Division 31, Manufacture of Electrical Machinery and Apparatus, nec of the current International Standard Industrial Classification of all Economic Activities (ISIC, Revision 3) of the United Nations. Therefore, data tabulated using NAICS

can readily be re-tabulated according to ISIC with the following exception: NAICS industry, All Other Electrical Equipment and Component Manufacturing includes non-electrical products of graphite or carbon because those nonelectrical products are made in the same establishments as electrical graphite and carbon products. In ISIC, this activity is included in Division 26, Manufacture of Other Non-Metallic Mineral Products.

#### *Some Changes to the National Classifications*

For Canada, the Electrical Equipment, Appliance and Component Manufacturing subsector is part of the existing Canadian classification's Electrical and Electronic Products Industries major group. A large part of that major group will form part of the new NAICS Computer and Electronic Product Manufacturing subsector. As well, establishments that draw wire and insulate it are classified in Primary Metal Manufacturing in NAICS. This subsector includes electric signs that are classified in Miscellaneous Manufacturing in the current Canadian classification. The structures of the NAICS and Canadian classifications are similar. There are fewer industries in NAICS, but national industries will provide the same level of detail as before.

For Mexico, the Electrical Equipment, Appliance and Component Manufacturing subsector includes many of the activities currently in the Mexican classification's Manufacture and Assembly of Machinery, Equipment and Electrical Accessories and Manufacture and Assembly of Electric and Non-Electric Appliances and Accessories for Home Use. However, NAICS includes the manufacturing of turbines and some engines in Machinery Manufacturing, rather than in electrical machinery and it classifies electrical apparatus for transportation equipment in Transportation Equipment Manufacturing. The structure of the NAICS subsector is not similar to that of the corresponding areas of the Mexican classification. There are fewer industries in NAICS, but national industries will provide the same level of detail as before.

For the United States, a major change to the structure encompasses the transfer of twelve industries out of the existing 1987 SIC major group, Electronic and Other Electrical Equipment and Components Except Computer Equipment, to the proposed new NAICS subsector, Computer and Electronic Product Manufacturing. The industries moved are those that

manufacture electronic components such as printed circuit boards and semiconductors and related devices. Two industries that produce electrical equipment/components for motor vehicles, aircraft etc. have been moved to the Transportation Equipment Manufacturing subsector.

Additional changes for the United States for this subsector include moving the manufacture of electric signs from the Miscellaneous Manufacturing subsector and the creation of a new industry from the Primary Metal Manufacturing subsector for the manufacture of insulated wire and cable from purchased wire. The relocation of insulated wire from Primary Metal Manufacturing to the Electrical Equipment, Appliance and Component Manufacturing subsector is a significant improvement of the classification with respect to the production principle as it now allows for a distinction between establishments that first draw wire and then insulate it and those that only insulate.

#### *Achievement of Objectives*

The classification meets the objectives for the North American Industry Classification System (NAICS). It is comprised of industries that group establishments with similar production processes, that is, it applies the production-oriented economic concept. In the main, the hierarchical structure of the classification also follows the production concept.

The classification achieves comparability for the three participating countries. Based on existing data, all three countries expect to be able to publish data regularly at the industry (4-digit) level of the structure. All countries agree on the detailed definitions of the industries.

Other objectives of the NAICS project are not as relevant in this area of the classification as in others. These objectives are the delineation of new and emerging industries, service industries, and industries engaged in the production of advanced technologies. The industrial sector in question is relatively mature, generally produces goods, and employs relatively stable technology. Therefore, the emphasis is on the objectives listed above.

The industries have high specialization ratios, and they are economically significant. The detail and structure of the classification are balanced in size. This enhances the classification's suitability for sampling, data-publishing and other aspects of survey operations. Finally, disruptions to time series, while they exist, have

been minimized. The statistical agencies can develop statistical "links", to enable the re-tabulation of time series on the new NAICS classification structure.

*Section B-Annex: United States National Industry Detail*

As explained in the Structure presentation of this notice, for a number of reasons 4-digit industries in the three NAICS industry subsectors presented in

Part 1, Section A— Attachment 1, contain less detail than is currently in the U.S. SIC system, and less detail than is required to meet important analytical requirements in the U.S. The three country agreement on NAICS envisions that each country may develop national detailed industries below the NAICS industry level, so long as the national detail can be aggregated to the NAICS

classification, thus assuring full North American comparability.

The ECPC is proposing U.S. 5-digit industry detail for the NAICS industry subsector covered in Part I of this notice. For cases where no 5-digit detail is shown, the ECPC is proposing that the NAICS 4-digit industries will also represent the most detailed U.S. industries.

TABLE 1

	1997 NAICS and U.S. Description	Status code	1987 SIC code	1987 SIC Description
XX	Electrical Equipment, Appliance and Component Manufacturing:			
XXX	Electric Lighting Equipment and Sign Manufacturing:			
XXXX	Electric Lamp Bulb and Part Manufacturing	E	3641	Electric Lamp Bulbs and Tubes.
XXXX	Electric Sign and Lighting Fixture Manufacturing:			
XXXXX	Electric Sign Manufacturing .....	N	*3993	Signs and Advertising Specialties (Electric signs).
XXXXX	Residential Electric Lighting Fixture Manufacturing.	E	3645 3999	Residential Electric Lighting Fixtures. Manufacturing Industries, NEC (Lamp shades of paper or textile).
XXXXX	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing.	E	3646	Commercial, Industrial, and Institutional Electric Lighting Fixtures.
XXXXX	Other Lighting Equipment Manufacturing	R	3648 *3699	Lighting Equipment, NEC Electrical Machinery, Equipment, and Supplies, NEC (Christmas tree lighting sets and electric insect lamps).
XXX	Household Appliance Manufacturing:			
XXXX	Small Electrical Appliance Manufacturing: .....			
XXXXX	Electric Housewares and Fan Manufacturing.	3634	Electric House and Fans	(Except wall and baseboard heating units for permanent installation).
XXXXX	Household Vacuum Cleaner Manufacturing	R	3635 *3639	Household Vacuum Cleaners. Household Appliances, NEC (Floor waxing and floor polishing machines).
XXXX	Major Appliance Manufacturing:			
XXXXX	Household Cooking Appliance Manufacturing.	E	3631	Household Cooking Equipment.
XXXXX	Household Refrigerator and Home and Farm Freezer Manufacturing.	R	3585	Refrigeration and Heating Equipment (Water Coolers)
XXXXX	Household Laundry Equipment Manufacturing.	E	3632 3633	Household Refrigerators and Home and Farm Freezers. Household Laundry Equipment.
XXXXX	Other Household Appliance Manufacturing	R	3639	Household Appliances, NEC (Except floor waxing and floor polishing machines, and household sewing machines).
XXX	Electrical Equipment Manufacturing:			
XXXX	Electrical Equipment Manufacturing:			
XXXXX	Power, Distribution and Specialty Transformer Manufacturing.	R	3548	Electrical and Gas Welding and Soldering Equipment (Transformers for arc-welders)
XXXXX	Switchgear and Switchboard Apparatus Manufacturing.	E	3612 3613	Power, Distribution, and Specialty Transformers. Switchgear and Switchboard Apparatus.
XXXXX	Motor and Generator Manufacturing .....	E	3621	Motors and Generators.
XXXXX	Relay and Industrial Control Manufacturing	E	3625	Relays and Industrial Controls.
XXX	Other Electrical Equipment and Component Manufacturing:			
XXXX	Accumulator and Battery Manufacturing:			
XXXXX	Storage Battery Manufacturing .....	E	3691	Storage Batteries.
XXXXX	Dry and Wet Primary Battery Manufacturing.	E	3692	Primary Batteries, Dry and Wet.
XXXXX	Communication and Energy Wire Manufacturing:			
XXXXX	Fiber Optic Cable Manufacturing.	N	*3357	Drawing and Insulating of Nonferrous Wire (Fiber Optic Cable-Insulating Only).
XXXXX	Other Communication and Energy Wire Manufacturing.	N	*3357	Drawing and Insulating of Nonferrous Wire (Except Fiber Optic-Insulating Only).
XXXX	Accessories and Conductors for Carrying Current Manufacturing:.			

TABLE 1—Continued

	1997 NAICS and U.S. Description	Status code	1987 SIC code	1987 SIC Description
XXXXX	Current-Carrying Wiring Device Manufacturing.	E	3643	Current-Carrying Wiring Devices.
XXXXX	Noncurrent-Carrying Wiring Device Manufacturing.	E	3644	Noncurrent-Carrying Wiring Devices.
XXXX	All Other Electrical Equipment and Component Manufacturing:			
XXXXX	Carbon and Graphite Product Manufacturing .	E	3624	Carbon and Graphite Products.
XXXXX	All Other Electrical Industrial Equipment and Supply Manufacturing.	R	3629	Electrical Industrial Apparatus, NEC.
			*3699	Electrical Machinery, Equipment, and Supplies, NEC (Other electrical industrial apparatus).

The definitions of status codes are as follows: E=existing industry; N=new industry; R=revised industry; and \* means "part of". The abbreviation NEC is used for Not Elsewhere Classified.

TABLE 2

1987 SIC code	1987 SIC description	1997 U.S. description
3612 .....	Power, Distribution, and Specialty Transformers ...	Power, Distribution, and Specialty Transformer Manufacturing (pt).
3613 .....	Switchgear and Switchboard Apparatus .....	Switchgear and Switchboard Apparatus Manufacturing.
3621 .....	Motors and Generators .....	Motor and Generator Manufacturing.
3624 .....	Carbon and Graphite Products .....	Carbon and Graphite Product Manufacturing.
3625 .....	Relays and Industrial Controls .....	Relay and Industrial Control Manufacturing.
3629 .....	Electrical Industrial Apparatus, NEC .....	All Other Electrical Industrial Equipment and Supply Manufacturing (pt).
3631 .....	Household Cooking Equipment .....	Household Cooking Appliance Manufacturing.
3632 .....	Household Refrigerators and Home and Farm Freezers.	Household Refrigerator and Home and Farm Freezer Manufacturing (pt).
3633 .....	Household Laundry Equipment .....	Household Laundry Equipment Manufacturing.
3634 .....	Electric Housewares and Fans: Heating, cooking, and other electric housewares including fans. Wall and baseboard heating units for permanent installation.	Electric Housewares and Fan Manufacturing (pt). Heating Equipment Manufacturing, Except Electric and Warm Air Furnaces (Included in Machinery Manufacturing subsector).
3635 .....	Household Vacuum Cleaners .....	Household Vacuum Cleaner Manufacturing (pt).
3639 .....	Household Appliances, NEC: Floor waxing and floor polishing machines .....	Household Vacuum Cleaner Manufacturing (pt).
	Household sewing machines .....	All Other Industrial Machinery Manufacturing (pt) (Included in Machinery Manufacturing subsector).
	Other household appliances .....	Other Household Appliance Manufacturing (pt).
3641 .....	Electric Lamp Bulbs and Tubes .....	Electric Lamp Bulb and Part Manufacturing.
3643 .....	Current-Carrying Wiring Devices .....	Current-Carrying Wiring Device Manufacturing.
3644 .....	Noncurrent-Carrying Wiring Devices .....	Noncurrent-Carrying Wiring Device Manufacturing.
3645 .....	Residential Electric Lighting Fixtures .....	Residential Electric Lighting Fixture Manufacturing.
3646 .....	Commercial, Industrial, and Institutional Electric Lighting Fixtures.	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing.
3647 .....	Vehicular Lighting Equipment .....	Vehicular Lighting Equipment Manufacturing (Included in Transportation Equipment Manufacturing subsector).
3648@ .....	Lighting Equipment, NEC .....	Other Lighting Equipment Manufacturing (pt).
3651 .....	Household Audio and Video Equipment .....	Audio and Video Equipment Manufacturing (Included in Computer and Electronic Product Manufacturing subsector).
3652 .....	Phonograph Records and Prerecorded Audio Tapes and Disks: Record publishing .....	Record production (pt) (Included in new Information sector) Integrated Record Companies (pt) (Included in new Information sector).
	Reproduction of recording media .....	Prerecorded Compact Disc, Tape, and Record Manufacturing (Included in Computer and Electronic Product Manufacturing subsector).
3661 .....	Telephone and Telegraph Apparatus: Telephone and telegraph apparatus, except telephone transformers, and consumer external modems..	Telephone Apparatus Manufacturing (Included in Computer and Electronic Product Manufacturing subsector).
	Telephone transformers .....	Electronic Coil, Transformer, and Other Inductor Manufacturing (pt) (Included in Computer and Electronic Product Manufacturing subsector).

TABLE 2—Continued

1987 SIC code	1987 SIC description	1997 U.S. description
	Consumer external modems .....	Other Electronic Component Manufacturing (pt) (Included in Computer and Electronic Product Manufacturing subsector).
3663 .....	Radio and Television Broadcasting and Communication Equipment.	Broadcast and Studio Equipment Manufacturing for Radio, TV, and Cable (pt) (Included in Computer and Electronic Product Manufacturing subsector).
3669 .....	Communications Equipment, NEC .....	Other Communication Equipment Manufacturing (Included in Computer and Electronic Product Manufacturing subsector).
3671 .....	Electron Tubes .....	Electron Tube Manufacturing (Included in Computer and Electronic Product Manufacturing subsector).
3672 .....	Printed Circuit Boards .....	Printed Circuit Board Manufacturing (Included in Computer and Electronic Product Manufacturing subsector).
3674 .....	Semiconductors and Related Devices .....	Semiconductor and Related Device Manufacturing (Included in Computer and Electronic Product Manufacturing subsector).
3675 .....	Electronic Capacitors .....	Electronic Capacitor Manufacturing (Included in Computer and Electronic Product Manufacturing subsector).
3676 .....	Electronic Resistors .....	Electronic Resistor Manufacturing (Included in Computer and Electronic Product Manufacturing subsector).
3677 .....	Electronic Coils, Transformers, and Other Inductors.	Electronic Coil, Transformer, and Other Inductor Manufacturing (pt) (Included in Computer and Electronic Product Manufacturing subsector).
3678 .....	Electronic Connectors .....	Electronic Connector Manufacturing (Included in Computer and Electronic Product Manufacturing subsector).
3679 .....	Electronic Components, NEC: Electronic control modular chips for motor vehicles.	Motor Vehicle Electrical and Electronic Equipment Manufacturing (pt) (Included in Transportation Equipment Manufacturing subsector).
	Communication equipment .....	Broadcast and Studio Equipment Manufacturing for Radio, TV and Cable (Included in Computer and Electronic Product Manufacturing subsector).
	Other electronic components .....	Other Electronic Component Manufacturing (pt) (Included in Computer and Electronic Product Manufacturing subsector).
3691 .....	Storage Batteries .....	Storage Battery Manufacturing.
3692 .....	Primary Batteries, Dry and Wet .....	Dry and Wet Primary Battery Manufacturing.
3694 .....	Electrical Equipment for Internal Combustion Engines.	Motor Vehicle Electrical and Electronic Equipment Manufacturing (pt) (Included in Transportation Equipment Manufacturing subsector).
3695 .....	Magnetic and Optical Recording Media .....	Magnetic and Optical Recording Media Manufacturing (pt) (Included in Computer and Electronic Product Manufacturing subsector).
3699@ .....	Electrical Machinery, Equipment, and Supplies, NEC: Christmas tree lighting sets and electric insect lamps.	Other Lighting Equipment Manufacturing (pt).
	Bar code scanners .....	Other Computer Peripheral Equipment Manufacturing (pt) (Included in Computer and Electronic Product Manufacturing subsector).
	Electric outboard motors .....	Other Engine Manufacturing (pt) (Included in Machinery Manufacturing subsector).
	Flight simulators and electronic teaching machines.	Other Commercial and Service Industry Machinery Manufacturing (pt) (Included in Machinery Manufacturing subsector).
	Lasers .....	Classified according to function.
	Other electrical machinery, equipment, and supplies.	All Other Electrical Industrial Equipment and Supply Manufacturing (pt).

The abbreviation "pt" means "part of"; @ means time series break has been created that is greater than 3% of the 1992 value of shipments for the 1987 SIC industry. The abbreviation NEC is used for Not Elsewhere Classified.

### *Description of Changes to the U.S. System*

A number of the changes listed in this section were made for reasons of international comparability. Where one or more of the three North American countries had different definitions of an industry classification, adjustments to the definitions in one or more countries were required. In constructing NAICS, the three countries agreed to move, where change was required to attain

international comparability, in the direction of the country or countries whose existing classification definitions most closely corresponded to the production-oriented concept adopted for NAICS. Cases where the U.S. changed are listed below; other cases where Canada or Mexico moved toward the U.S. classification are not, of course, listed in this section.

Three new industries were added to the 1997 industry structure for this subsector.

Electric Sign Manufacturing from part of 1987 SIC Code 3993, Signs and Advertising Specialties, to achieve international comparability. The U.S. and Canada moved to match Mexico.

Fiber Optic Cable Manufacturing (not drawn) from part of 1987 SIC 3357, Drawing and Insulating of Nonferrous Wire, for reasons of international

comparability and because of the highly specialized production processes involved, and because this is a newly-emerging technology.

Other Communication and Energy Wire Manufacturing (insulating of only) from part of 1987 SIC Code 3357, Drawing and Insulating of Nonferrous Wire, for purposes of international comparability and to better reflect production principles. The U.S. moved to match Canada and Mexico.

Sixteen industries were transferred out of 1987 SIC Major Group 36, Electronic and Other Electrical Equipment and Components, Except Computer Equipment. Of the sixteen industries, twelve are included in 1997 NAICS Subsector, Computer and Electronic Product Manufacturing, a new subsector; two transferred to NAICS Subsector, Transportation Equipment Manufacturing; and two were divided into several activities that were transferred into the 1997 NAICS Subsectors, Computer and Electronic Product Manufacturing and Transportation Equipment Manufacturing; and the new Information sector.

The following twelve industries were transferred to 1997 NAICS Subsector, Computer and Electronic Product Manufacturing:

Household Audio and Video Equipment  
Telephone and Telegraph Apparatus  
Radio and Television Broadcasting and Communication Equipment  
Communications Equipment, NEC  
Electron Tubes  
Printed Circuit Boards  
Semiconductors and Related Devices  
Electronic Capacitors  
Electronic Resistors  
Electronic Coils, Transformers, and Other Inductors  
Electronic Connectors  
Magnetic and Optical Recording Media

Two industries were transferred from 1987 SIC Major Group 36, Electronic and Other Electrical Equipment and Component, Except Computer Equipment, to 1997 NAICS Subsector, Transportation Equipment Manufacturing. They were 1987 SIC 3647, Vehicular Lighting Equipment, and 1987 SIC 3694, Electrical Equipment for Internal Combustion Engines.

Record publishing moved from part of 1987 SIC 3652, Phonograph Records and Prerecorded Audio Tapes and Disks, to the new NAICS Information sector. The remaining activities were transferred to 1997 NAICS Subsector, Computer and Electronic Product Manufacturing.

1987 SIC 3679, Electronic Components, NEC, was split three ways.

One part, electronic control modular chips for motor vehicles, was transferred to 1997 NAICS Subsector, Transportation Equipment Manufacturing, and the other two parts, communication equipment and other electronic components, moved to two separate industries within 1997 NAICS Subsector, Computer and Electronic Product Manufacturing.

Three activities transferred into the 1997 Electrical Equipment, Appliance and Component subsector:

Transformers for arc-welders from part of 1987 SIC 3548, Electrical and Gas Welding and Soldering Equipment, to Power, Distribution, and Specialty Transformer Manufacturing, to achieve international comparability. Canada had this in CSIC Major Group 33, Electrical and Electronic Products Industries.

Lamp shades of paper and textiles from part of 1987 SIC 3999, Manufacturing Industries, NEC, to Residential Electric Lighting Fixture Manufacturing, to achieve international comparability. Canada had lamp shades in CSIC MG 33, Electrical and Electronic Products Industries.

Water coolers from part of 1987 SIC 3585, Refrigeration and Heating Equipment, to Household Refrigerator and Home and Farm Freezer Manufacturing, to achieve international comparability. The U.S. and Canada moved to match Mexico.

Also, several activities transferred within the Electrical Equipment, Appliance and Component Manufacturing subsector. The number of electrical equipment, appliance and component manufacturing industries decreased from 37 in 1987 to 23 in 1997. Excluding the sixteen industries that were moved out of this subsector, all but 2 of the 22 remaining 1987 industries are comparable within three percent of the 1997 industries; both of the time series breaks involve splitting activities out of old NEC categories.

Part VII—Proposed New Industry Structure for Transportation Equipment Manufacturing

#### Section A—NAICS Structure

North American Industry Classification System (NAICS)  
Agreement Number 10

This Document represents the proposed agreement on the structure of the North American Industry Classification System (NAICS) for the following industries:

Transportation Equipment Manufacturing

The detailed NAICS structure along with a brief description of the structure

is attached (Attachments 1 and 2). Each country agrees to release a copy of the proposed NAICS structure to interested data users. Comments received will be shared among the countries and additional discussions will be held before a final decision on the structure is made. Each country may add additional detailed industries, below the 4-digit level of NAICS, as necessary to meet national needs, so long as this additional detail aggregates to a 4-digit NAICS level in order to ensure full comparability among the three countries.

This NAICS structure was presented and provisionally accepted at the NAICS Committee meeting held on August 30, 1995—September 1, 1995 in Washington, DC.

Accepted	Signature	Date
Canada .....	/S/ Jacob Ryten.	9/1/95
Mexico .....	/S/ Enrique Ordaz.	9/1/95
United States ..	/S/ Jack E. Triplett.	9/1/95

#### Attachment 1—NAICS Structure

XX Transportation Equipment Manufacturing  
XXX Motor Vehicle Manufacturing  
XXXX Passenger Car and Light Duty Truck Manufacturing  
XXXX Heavy Duty Truck Manufacturing  
XXX Truck and Bus Body and Trailer Manufacturing  
XXXX Truck and Bus Body and Trailer Manufacturing  
XXX Motor Vehicle Part Manufacturing  
XXXX Motor Vehicle Gasoline Engine and Engine Part Manufacturing  
XXXX Motor Vehicle Electrical and Electronic Equipment Manufacturing  
XXXX Motor Vehicle Steering and Suspension Component (Except Springs) Manufacturing  
XXXX Motor Vehicle Brake System Manufacturing  
XXXX Motor Vehicle Transmission and Power Train Part Manufacturing  
XXXX Motor Vehicle Fabric Accessory and Seat Manufacturing  
XXXX Motor Vehicle Metal Stamping  
XXXX Other Motor Vehicle Part Manufacturing  
XXX Aerospace Product and Part Manufacturing  
XXXX Aerospace Product and Part Manufacturing  
XXX Railroad Rolling Stock Manufacturing  
XXXX Railroad Rolling Stock Manufacturing  
XXX Ship and Boat Building  
XXXX Ship and Boat Building  
XXX Miscellaneous Transportation Equipment Manufacturing  
XXXX Miscellaneous Transportation Equipment Manufacturing

## Attachment 2—North American Industry Classification System

### Draft Classification for:

#### Transportation Equipment Manufacturing

Representatives of the statistical agencies of Canada, Mexico, and the United States agree to a draft industrial classification for these industries.

The draft classification provides for the subsector, Transportation Equipment Manufacturing. This subsector is further subdivided into seven industry groups and fifteen industries. The subsector will be part of the Manufacturing sector of the classification.

### A General Outline

The Transportation Equipment Manufacturing industries produce equipment for transporting people and goods.

Assembly of components, usually purchased as subassemblies, characterizes the chief production process in this subsector. Other processes employed in industries in this subsector include bending, forming, welding, machining, and assembly of metal or plastic to make parts for the subassemblies that are further fabricated into the finished product by other establishments in the group. Though many of these individual production processes appear in other machinery and equipment industries, transportation equipment is accorded an entire subsector because of its economic importance in all three countries.

NAICS has industry groups for each mode of transport—road, rail, air and water. Parts for motor vehicles are important enough to warrant a separate industry group. Moreover, establishments that manufacture only parts are not as vertically integrated as those that produce complete vehicles and parts manufacture requires less assembly.

### Limitations and Constraints of the Classification

In the Transportation Equipment Manufacturing industry, most activities that were identified in one country exist in the others. However, often an activity is not economically significant to the same degree in all countries. For example, a relatively broad NAICS industry was created for Aerospace Product and Part Manufacturing because this industry is less prominent in Canada and Mexico than in the United States. In Mexico, it is not possible to subdivide truck and bus body from trailer manufacturing for reasons of size. Size constraints in Canada and Mexico

prohibit separating ship building from boat building.

An operating rule has therefore been adopted for this industry subsector that the NAICS industries must be economically significant and publishable in all three countries. Each country will publish additional categories that comprise subdivisions of NAICS industries, to present data for activities that are nationally significant.

For those users requiring detailed commodity information, each country will publish information on the products of these industries. Efforts are also underway to harmonize the commodity classifications to allow for greater comparability of these statistics.

### Relationship to ISIC

Most NAICS 4-digit industries in this subsector are contained in Division 34, Manufacture of Motor Vehicles, Trailers and Semi-Trailers, and Division 35, Building and Repairing of Ships and Boats of the current International Standard Industrial Classification of all Economic Activities (ISIC, Revision 3) of the United Nations. There are, however, some differences between the two systems. ISIC has two divisions for transportation equipment, Divisions 34 and 35. NAICS, on the other hand, treats this as a single subsector with seven industry groups. NAICS treats some activities, such as the manufacture of engine pumps, motor vehicle electrical equipment, automotive fabrics, and automotive seats as the manufacture of automotive parts in the Transportation Equipment Manufacturing subsector. ISIC classifies these activities elsewhere. ISIC treats guided missiles, tanks and armored vehicles as machinery. NAICS includes these activities in Transportation Equipment Manufacturing because the production processes are similar to that of other transportation equipment. NAICS groups automotive hardware (door handles and similar parts) with other hardware because the production processes are similar, but includes stamping in automotive parts because auto stampings are produced in specialized establishments.

The following NAICS industries belong to ISIC Divisions 34 and 35 with the exception of the activities indicated: Truck and Bus Body and Trailer Manufacturing (dump truck lifting mechanisms); Motor Vehicle Gasoline Engine and Engine Part Manufacturing (motor vehicle engine pumps); Motor Vehicle and Electronic Equipment Manufacturing (electrical and electronic motor vehicle equipment); Motor Vehicle Fabric Accessory and Seat Manufacturing (automotive fabrics,

linings and trimmings); Other Motor Vehicle Part Manufacturing (filters for internal combustion engines, except motor vehicles); Aerospace Product and Part Manufacturing (aircraft pumps and guided missiles and parts); and Other Transportation Equipment Manufacturing (tanks and armored vehicles). Despite these differences that for the most part, are relatively small portions of the NAICS industries, this NAICS subsector is substantially the same as the combination of the two ISIC Divisions.

### Some Changes to the National Classifications

For Canada, the Transportation Equipment Manufacturing subsector is largely the same as the current Canadian classification's Transportation Equipment Industries major group. The NAICS subsector includes the rebuilding of motor vehicle parts on a factory basis, that are partly in Fabricated Metal Industries and partly in Wholesaling in the Canadian classification. On the other hand, the NAICS classifies hardware for transportation equipment in Fabricated Metal Product Manufacturing, while the Canadian classification includes their manufacture in Transportation Equipment. The structure and amount of detail of this NAICS subsector is similar to that of the corresponding areas of the Canadian classification.

For Mexico, the Transportation Equipment Manufacturing subsector has coverage similar to the Mexican classification's Automotive Industry and Manufacture, Repair and Assembly of Other Transportation Equipment and Parts. The NAICS subsector includes the rebuilding on a factory basis of motor vehicle gasoline engines, now classified in the Mexican classification's Repair and Maintenance subsector. It also includes the manufacture of electrical equipment for transportation equipment, currently classified with electrical equipment in the Mexican classification; automotive fabrics, currently in textiles; and fiberglass boats, currently in the manufacture of plastic products. However, the manufacturing of hardware and springs for transportation equipment is classified in Fabricated Metal Product Manufacturing in NAICS, not in transportation equipment as in the Mexican classification. The structure and amount of detail of this NAICS subsector is similar to that of the corresponding areas of the Mexican classification.

For the United States, several activities related to the production of transportation equipment are transferred



into this subsector. For example, automotive job stamping of body parts is now included in this subsector. It has been transferred to this subsector to achieve comparability with Canada and Mexico, and because the production processes involved are exclusively devoted to the production of transportation equipment. The capital equipment required to produce automotive job stamping cannot be easily changed to produce other kinds of stamping, such as appliance parts. Further, most automotive job stamping producers have arrangements (contractual etc.) that makes it even harder to switch production to other kinds of stamping. Other activities moved to this subsector for the United States include automotive lighting, electronic components, fabric accessories and seating, essentially for the reasons listed above. In addition, NAICS provides more industry detail than the 1987 SIC. Heavy duty truck manufacturing is separated from manufacture of light trucks and passenger cars to recognize differences in the production process for heavy trucks and truck bodies, and the high degree of specialization in establishments that build heavy trucks.

#### *Achievement of Objectives*

The classification meets the objectives for the North American Industry

Classification System (NAICS). It includes industries that group establishments with similar production processes, that is, it applies the production-oriented economic concept. In the main, the hierarchical structure of the classification also follows the production concept.

An objective of the NAICS project is the delineation of industries engaged in the production of advanced technologies. The proposed structure takes account of the development of advanced electronic sensors and control mechanisms in automobiles. Existing classifications do not have a clear location for the production of these goods. It is expected that this activity will grow and the proposed structure will allow for the creation of a separate industry for this activity in the future.

The industries have high specialization ratios, and they are economically significant. The detail (4-digit) level and structure of the classification are balanced in size. This enhances the classification's suitability for sampling, data-publishing and other aspects of survey operations. Finally, while disruptions to time series exist, they have been minimized. The statistical agencies can develop statistical "links", to enable the re-tabulation of time series on the new NAICS classification structure.

The classification achieves comparability for the three participating countries. Based on existing data, all three countries expect to be able to publish data regularly at the industry (4-digit) level of the structure. All countries agree on the detailed definitions of the industries.

#### *Section B-Annex: United States National Industry Detail*

As explained in the Structure presentation of this notice, for a number of reasons 4-digit industries in the three NAICS industry subsectors presented in Part 1, Section A—Attachment 1, contain less detail than is currently in the U.S. SIC system, and less detail than is required to meet important analytical requirements in the U.S. The three country agreement on NAICS envisions that each country may develop national detailed industries below the NAICS industry level, so long as the national detail can be aggregated to the NAICS classification, thus assuring full North American comparability.

The ECPC is proposing U.S. 5-digit industry detail for the NAICS industry subsector covered in Part I of this notice. For cases where no 5-digit detail is shown, the ECPC is proposing that the NAICS 4-digit industries will also represent the most detailed U.S. industries.

TABLE 1

	1997 NAICS AND U.S. description	Status code	1987 SIC code	1987 SIC description
XX	Transportation Equipment Manufacturing:			
XXX	Motor Vehicle Manufacturing:			
XXXX	Passenger Car and Light Duty Truck Manufacturing.	N	*3711	Motor Vehicles and Passenger Car Bodies (Passenger Cars and Light Duty Trucks).
XXXX	Heavy Duty Truck Manufacturing .....	N	*3711	Motor Vehicles and Passenger Car Bodies (Heavy Duty Trucks).
XXX	Truck and Bus Body and Trailer Manufacturing:			
XXXX	Truck and Bus Body and Trailer Manufacturing:			
XXXXX	Truck and Bus Body Manufacturing .....	R	*3711	Motor Vehicles and Passenger Car Bodies (Kit Car and Other Passenger Car Bodies).
			3713	Truck and Bus Bodies.
			*3714	Motor Vehicle Parts and Accessories (Dumptruck Lifting Mechanisms and Fifth Wheels).
XXXXX	Truck Trailer Manufacturing .....	E	3715	Truck Trailers.
XXXXX	Motor Home Manufacturing .....	E	3716	Motor Homes.
XXXXX	Travel Trailer and Camper Manufacturing	R	3792	Travel Trailers and Campers.
			*3799	Transportation Equipment, NEC (Automobile, Boat, Utility and Light Truck Trailers).
XXX	Motor Vehicle Part Manufacturing:			
XXXX	Motor Vehicle Gasoline Engine and Engine Part Manufacturing:			
XXXXX	Carburetor, Piston, Piston Ring and Valve Manufacturing.	E	3592	Carburetors, Pistons, Piston Rings, and Valves.
XXXXX	Engine and Engine Part Manufacturing .....	N	*3714	Motor Vehicle Parts and Accessories (Gasoline Engines and Engine Parts Including Rebuilt).
XXXX	Motor Vehicle Electrical and Electronic Equipment Manufacturing:			

TABLE 1—Continued

	1997 NAICS AND U.S. description	Status code	1987 SIC code	1987 SIC description
XXXXX	Vehicular Lighting Equipment Manufacturing.	E	3647	Vehicular Lighting Equipment.
XXXXX	Motor Vehicle Electrical and Electronic Equipment Manufacturing.	R	*3679	Electronic Components, NEC (Electronic Control Modular Chips for Motor Vehicles).
			3694	Electrical Equipment for Internal Combustion Engines.
			*3714	Motor Vehicle Parts and Accessories (Wiring Harness Sets, Other Than Ignition; Block Heaters and Battery Heaters; Instrument Board Assemblies; Permanent Defrosters; Windshield Washer-Wiper Mechanisms; Cruise Control Mechanisms; and Other Electrical Equipment for Internal Combustion Engines).
XXXX	Motor Vehicle Steering and Suspension Component (Except Springs) Manufacturing.	N	*3714	Motor Vehicle Parts and Accessories (Steering and Suspension Parts).
XXXX	Motor Vehicle Brake System Manufacturing ..	N	*3292	Asbestos Products (Asbestos Brake Linings and Pads).
			*3714	Motor Vehicle Parts and Accessories (Brake and Brake Systems, Including Assemblies).
XXXX	Motor Vehicle Transmission and Power Train Part Manufacturing.	N	*3714	Motor Vehicle Parts and Accessories (Transmissions and Power Train Parts, Including Rebuilding).
XXXX	Motor Vehicle Fabric Accessory and Sat Manufacturing.	N	*2396	Automotive Trimmings, Apparel Findings, and Related Products (Textile Motor Vehicle Trimmings).
			*2399	Fabricated Textile Products, NEC (Motor Vehicle Seat Belts, and Seat and Tire Covers).
			*2531	Public Building and Related Furniture (Seats for Motor Vehicles).
XXXX	Motor Vehicle Metal Stamping .....		*3465	Automotive Stampings.
XXXX	Other Motor Vehicle Part Manufacturing .....	R	*3519	Internal Combustion Engines, NEC (Stationary Engine Radiators).
			*3599	Industrial and Commercial Machinery and Equipment, NEC (Gasoline, Oil and Intake Filters for Internal Combustion Engines, Except those for Motor Vehicles).
			*3714	Motor Vehicle Parts and Accessories (Except Truck and Bus Bodies, Trailers, Engine and Engine Parts, Motor Vehicle Electrical and Electronic Equipment, Motor Vehicle Steering and Suspension Components, Motor Vehicle Brake Systems, and Motor Vehicle Transmission and Power Train Parts).
XXX	Aerospace Product and Part Manufacturing:			
XXXX	Aerospace Product and Part Manufacturing:			
XXXXX	Aircraft Manufacturing .....	E	3721	Aircraft.
XXXXX	Aircraft Engine and Engine Part Manufacturing .	E	*3724	Aircraft Engines and Engine Parts.
XXXXX	Other Aircraft Part and Auxiliary Equipment Manufacturing.	R	*3728	Aircraft Parts and Auxiliary Equipment, NEC (Except Fluid Power Aircraft Subassemblies).
XXXXX	Guided Missile and Space Vehicle Manufacturing.	E	3761	Guided Missiles and Space Vehicles.
XXXXX	Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Part Manufacturing.	E	3764	Guided Missile and Space Vehicle Propulsion Units and Propulsion Unit Parts.
XXXXX	Other Guided Missile and Space Vehicle Part and Auxiliary Equipment Manufacturing.	E	3769	Guided Missile and Space Vehicle Parts and Auxiliary Equipment.
XXX	Railroad Rolling Stock Manufacturing:			
XXXX	Railroad Rolling Stock Manufacturing .....	R	*3531	Construction Machinery and Equipment (Railway Maintenance of Way Equipment).
			*3743	Railroad Equipment (Except Locomotive Fuel Lubricating or Cooling Medium Pumps).
XXX	Ship and Boat Building:			
XXXX	Ship and Boat Building:			
XXXXX	Ship Building and Repairing .....	E	3731	Ship Building and Repairing.
XXXXX	Boat Building .....	R	*3732	Boat Building and Repairing (Boat Building and Boat Building and Repair in the same establishment).
XXX	Miscellaneous Transportation Equipment Manufacturing:			
XXXX	Miscellaneous Transportation Equipment Manufacturing:			
XXXXX	Motorcycle, Bicycle and Part Manufacturing		*3944	Games, Toys, and Children's Vehicles, except Dolls and Bicycles (Metal Tricycles).
			*3751	Motorcycles, Bicycles and Parts.
XXXXX	Military Armored Vehicle, Tank, and Tank Component Manufacturing.	R	*3711	Motor Vehicles and Passenger Car Bodies (Military Armored Vehicles).

TABLE 1—Continued

	1997 NAICS AND U.S. description	Status code	1987 SIC code	1987 SIC description
XXXXX	Other Miscellaneous Transportation equipment Manufacturing.	R	*3795 *3799	Tanks and Tank Components. Transportation Equipment, NEC (Except Automobile, Boat, Utility Light Truck Trailers; and Wheelbarrows).

The definitions of status codes are as follows: E = existing industry, N = new industry; R = revised industry; and \*means "part of". The abbreviation NEC is used for Not Elsewhere Classified.

TABLE 2

1987 SIC code	1987 SIC description	1997 U.S. description
2396@ .....	Automotive Trimmings, Apparel Findings, and Related Products: Textile Motor Vehicle Trimmings ..... Apparel Articles .....  Printing on Apparel .....  Other Automotive Trimmings, Apparel Findings, and Related Products.	Motor Vehicle Fabric Accessory and Seat Manufacturing (pt). Apparel Belt, Apparel Accessories, and Other Apparel Manufacturing (pt) (Included in Apparel Manufacturing subsector). Other Commercial Printing (pt) (Included in Printing and Related Support Activities subsector). Other Miscellaneous Textile Product Manufacturing (pt) (Included in Textile Product Mills subsector).
2399 .....	Fabricated Textile Products, NEC: Motor Vehicle Seat Belts, and Seat and Tire Cover ... Aprons, Money Belts, and Diapers .....  Other Fabricated Textile Products .....	Motor Vehicle Fabric Accessory and Seat Manufacturing (pt). Apparel Belt, Apparel Accessories and Other Apparel Manufacturing (pt) (Included in Apparel Manufacturing subsector). All Other Miscellaneous Textile Product Mills (pt) (Included in Textile Product Mills subsector).
2531@ .....	Public Building and Related Furniture: Seats for Motor Vehicles ..... Wood Furniture Made for Use in Public Buildings .....  Metal Furniture Made for Use in Public Buildings .....  Other than Wood or Metal Furniture Made for Use in Public Buildings.	Motor Vehicle Fabric Accessory and Seat Manufacturing (pt). Wood Office and Public Building Furniture Manufacturing (pt) (Included in Furniture Manufacturing subsector). Metal Office and Public Building Furniture Manufacturing (pt) (Included in Furniture Manufacturing subsector). Other Furniture Manufacturing (pt) (Included in Furniture Manufacturing subsector).
3292 .....	Asbestos Products: Asbestos Brake Linings and Pads ..... Other Asbestos Products .....	Motor Vehicle Brake System Manufacturing (pt). Other Nonmetallic Mineral Product Manufacturing (pt) (Included in Nonmetallic Mineral Product Manufacturing subsector).
3465 .....	Automotive Stamping .....	Motor Vehicle Metal Stamping.
3519 .....	Internal Combustion Engines, NEC: Stationary Engine Radiators ..... Internal Combustion Engines .....	Other Motor Vehicle Part Manufacturing (pt). Other Engine Manufacturing (pt) (Included in Machinery Manufacturing subsector).
3531@ .....	Construction Machinery and Equipment: Railway Maintenance of Way Equipment ..... Winches, Aerial Work Platforms, and Automotive Wreckers Hoists. Other Construction Machinery and Equipment .....	Railroad Rolling Stock Manufacturing (pt). Overhead Traveling Crane, Hoist, and Monorail System Manufacturing (pt) (Included in Machinery Manufacturing subsector). Construction Machinery Manufacturing (Included in Machinery Manufacturing subsector).
3592 .....	Carburetors, Pistons, Piston Rings and Valves .....	Carburetor, Piston, Piston Ring and Valve Manufacturing.
3599@ .....	Industrial and Commercial Machinery and Equipment, NEC Gasoline, Oil and Intake Filters for Internal Combustion Engines, Except Motor Vehicle. Flexible Metal Hose .....	Other Motor Vehicle Part Manufacturing (pt).  All Other Fabricated Metal Product Manufacturing (pt) (Included in Fabricated Metal Product Manufacturing subsector).
	Carnival Amusement Park Equipment .....	Other Commercial and Service Industry Machinery Manufacturing (pt) (Included in Machinery Manufacturing subsector).
	Machine Shops .....	Machine Shops (Included in Fabricated Metal Product Manufacturing subsector).
	Semiconductor Machinery .....	Semiconductor Machinery Manufacturing (Included in Machinery Manufacturing subsector).
	Other Industrial and Commercial Machinery and Equipment.	Other General Purpose Machinery Manufacturing (pt) (Included in Machinery Manufacturing subsector).
3647 .....	Vehicular Lighting Equipment .....	Vehicular Lighting Equipment Manufacturing.
3679 .....	Electronic Components, NEC: Electronic Control Modular Chips for Motor Vehicles Manufacturing (pt). Communication Equipment .....	Motor Vehicle Electrical and Electronic Equipment Manufacturing.  Broadcast and Studio Equipment for Radio, TV and Cable Manufacturing (Included in Computer and Electronic Product Manufacturing subsector).

TABLE 2—Continued

1987 SIC code	1987 SIC description	1997 U.S. description
3694 .....	Other Electronic Components Including Loaded PC Boards.	Other Electronic Component Manufacturing (pt) (Included in Computer and Electronic Product Manufacturing subsector).
3711@ .....	Electronic Equipment for Internal Combustion Engines .	Motor Vehicle Electrical and Electronic Equipment Manufacturing (pt).
	Motor Vehicles and Passenger Car Bodies:	
	Passenger Car and Light Duty Trucks .....	Passenger Car and Light Duty Truck Manufacturing.
	Heavy Duty Trucks .....	Heavy Duty Truck Manufacturing.
	Kit Car and Other Passenger Car Bodies .....	Truck and Bus Body and Trailer Manufacturing (pt).
	Military Armored Vehicles .....	Military Armored Vehicle, Tank, and Tank Component Manufacturing (pt).
3713 .....	Truck and Bus Bodies .....	Truck and Bus Body and Trailer Manufacturing (pt).
3714@ .....	Motor Vehicle Parts and Accessory:.	
	Dump-Truck Lifting Mechanisms and Fifth Wheels ....	Truck and Bus Body and Trailer Manufacturing (pt).
	Gasoline Engines Including Rebuilt and Engine Parts Including Rebuilt for Motor Vehicles.	Engine and Engine Part Manufacturing.
	Wiring Harness Sets, Other than Ignition; Block Heaters and Battery Heaters; Instrument Board Assemblies; Permanent Defroster; Windshield Washer-Wiper Mechanisms; Cruise Control Mechanism; and Other Electrical Equipment for Internal Combustion Engines.	Motor Vehicle Electrical and Electronic Equipment Manufacturing (pt).
	Steering and Suspension Parts .....	Motor Vehicle Steering and Suspension Component (Except Springs) Manufacturing.
	Brake and Brake Systems, Including Assembles .....	Motor Vehicle Brake System Manufacturing.
	Transmissions and Power Train Parts, Including Rebuilding Radiators.	Motor Vehicle Transmission and Power Train Part Manufacturing.
	Other Motor Vehicle Parts .....	Other Motor Vehicle Part Manufacturing (pt).
3716 .....	Motor Homes .....	Motor Home Manufacturing.
3721 .....	Aircraft .....	Aircraft Manufacturing.
3724 .....	Aircraft Engines and Engine Parts .....	Aircraft Engine and Engine Part Manufacturing.
3728 .....	Aircraft Parts and Auxiliary Equipment, NEC:	
	Fluid Power Aircraft Subassemblies .....	Fluid Power Valve and Hose Fitting Manufacturing (pt) (Included in Fabricated Metal Product Manufacturing subsector).
	Other Aircraft Parts and Equipment .....	Other Aircraft Part and Auxiliary Equipment Manufacturing.
3731 .....	Ship Building and Repairing .....	Ship Building and Repairing.
3732 .....	Boat Building and Repairing:	
	Boat Repair done Outside Boat Yard .....	Included in Services subsector.
	Boat Building and Repair done Inside Boat Yard .....	Boat Building (pt).
3743 .....	Railroad Equipment:	
	Locomotive Fuel Lubricating or Cooling Medium Pumps.	Pump and Pumping Equipment Manufacturing (pt) (Included in Machinery Manufacturing subsector).
	Other Railroad Equipment .....	Railroad Rolling Stock Manufacturing (pt).
3751 .....	Motorcycles, Bicycles, and Parts .....	Motorcycle, Bicycle, and Part Manufacturing (pt).
3761 .....	Guided Missiles and Space Vehicles .....	Other Guided Missile and Space Vehicle Manufacturing.
3764 .....	Guided Missile and Space Vehicle Propulsion Units and Propulsion Unit Parts.	Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Part Manufacturing.
3769 .....	Guided Missile Space Vehicle Parts and Auxiliary Equipment, NEC.	Guided Missile Space Vehicle Parts and Auxiliary Equipment Manufacturing.
3792 .....	Travel Trailers and Campers .....	Travel Trailer and Camper Manufacturing (pt).
3795 .....	Tanks and Tank Components .....	Military Armored Vehicle, Tank, and Tank Component Manufacturing (pt).
3799@ .....	Transportation Equipment, NEC:	
	Automobile, Boat, Utility and Light Truck Trailers .....	Travel Trailer and Camper Manufacturing (pt).
	Wheelbarrows .....	Hand and Edge Tool Manufacturing (pt) (Included in Fabricated Metal Product Manufacturing subsector).
	Other Transportation Equipment .....	Other Miscellaneous Transportation Equipment Manufacturing.
3944 .....	Games, Toys, and Children's Vehicles, Except Dolls and Bicycles:	
	Metal Tricycles .....	Motorcycle, Bicycle and Part Manufacturing (pt).
	Other Games, Toys and Children's Vehicles .....	Game, Toy, and Children's Vehicle Manufacturing (pt) (Included in Miscellaneous Manufacturing subsector).

The abbreviation "pt" means "part of"; @ means time series break has been created that is greater than 3% of the 1992 value of shipments for the 1987 SIC industry. The abbreviation NEC is used for Not Elsewhere Classified.

#### Description of Changes to the U.S. System

A number of the changes listed in this section were made for reasons of international comparability. Where one or more of the three North American

countries had different definitions of an industry classification, adjustments to the definitions in one or more countries were required. In constructing NAICS, the three countries agreed to move, where change was required to attain

international comparability, in the direction of the country or countries whose existing classification definitions most closely corresponded to the production-oriented concept adopted for NAICS. Cases where the U.S.

changed are listed below; other cases where Canada or Mexico moved toward the U.S. classification are not, of course, listed in this section.

Eight new industries were added to the 1997 industry structure for this industry subsector. The eight industries created were:

Passenger Car and Light Duty Truck Manufacturing and Heavy Duty Truck Manufacturing, both from parts of 1987 SIC 3711, Motor Vehicles and Passenger Car Bodies. The industry association suggested making additional industries from 1987 SIC 3711. The new industries are defined by high specialization, and in the case of Passenger Car and Light Duty Truck Manufacturing, large capital-intensive production facilities. This is a change for all three countries.

Engine and Engine Part Manufacturing, Motor Vehicle Steering and Suspension Component (Except Springs) Manufacturing, and Motor Vehicle Transmission and Power Train Part Manufacturing from parts of 1987 SIC 3714, Motor Vehicle Parts and Accessories. The industry suggested making additional industries from 1987 SIC 3714 and the production processes are sufficiently distinct to justify separate industries. Mexico already had separate industries for engines and for transmission and power trains, and Canada had a separate industry for steering and suspension so the U.S. change also facilitated international comparability.

Motor Vehicle Brake System Manufacturing from parts of 1987 SIC 3292, Asbestos Products, and 1987 SIC 3714, Motor Vehicle Parts and Accessories, to achieve international comparability. Mexico and Canada already had separate industries for brake system manufacturing.

Motor Vehicle Fabric Accessory and Seat Manufacturing from parts of 1987 SIC 2396, Automotive Trimmings, Apparel Findings, and Related Products; 1987 SIC 2399, Fabricated Textile Products, NEC; and 1987 SIC 2531, Public Building and Related Furniture. This change was made for international

comparability, and is an improvement on production grounds.

1987 SIC 3694, Electrical Equipment for Internal Combustion Engines, is combined with part of 1987 SIC 3679, Electronic Components, NEC, and part of 1987 SIC 3714, Motor Vehicle Parts and Accessories, to form NAICS Electrical Equipment for Internal Combustion Engine Manufacturing.

Three industries were transferred into NAICS Transportation Equipment Manufacturing:

1987 SIC 3465, Automotive Stampings, is renamed Motor Vehicle Metal Stamping to achieve international comparability and for the reasons noted in the Changes to National Classifications section above. The United States moved to match Canada and Mexico.

1987 SIC 3592, Carburetors, Pistons, Piston Rings and Valves, is renamed Carburetor, Piston, Piston Ring and Valve Manufacturing to achieve international comparability. Canada had these in CSIC 32, Transportation Equipment Industries.

1987 SIC 3647, Vehicular Lighting Equipment, is renamed Vehicular Lighting Equipment Manufacturing to achieve international comparability. Canada had this in CSIC MG 32, Transportation Equipment.

Also, four activities were transferred into the 1997 Transportation Equipment Manufacturing.

Stationary engine radiators from 1987 SIC 3519, Internal Combustion Engines, NEC, to Other Motor Vehicle Part Manufacturing, to achieve international comparability. The U.S. and Mexico moved to match Canada, because the production of radiators is a similar process whether for stationary or nonstationary engines.

Gasoline, oil and intake filters for internal combustion engines, except those for motor vehicles, from 1987 SIC 3599, Industrial and Commercial Machinery and Equipment, NEC, to Other Motor Vehicle Part Manufacturing, to achieve international comparability. The U.S. moved to match Canada and Mexico, because the

production of filters is a similar process whether for stationary or non stationary engines.

Railway maintenance of way equipment from 1987 SIC 3531, Construction Machinery and Equipment, to Railroad Rolling Stock Manufacturing, to achieve international comparability. The U.S. moved to match Canada and Mexico.

Tricycles made primarily of metal from 1987 SIC 3944, Games, Toys, and Children's Vehicles, Except Dolls and Bicycles, to Motorcycle, Bicycle, and Part Manufacturing, to achieve international comparability. The U.S. and Canada moved to match Mexico. Plastic tricycles remain in toy manufacturing.

Three activities were transferred out of 1987 Major Group 37, Transportation Equipment Manufacturing, and are described more fully in their new respective NAICS subsectors.

Boat repair done outside boat yards was transferred from 1987 SIC 3732, Boat Building and Repairing, into the Services subsector.

Locomotive fuel lubricating or cooling medium pumps were transferred from 1987 SIC 3743, Railroad Equipment, into the Machinery Manufacturing subsector.

Wheelbarrows from 1987 SIC 3799, Transportation Equipment, NEC, were transferred into Hand and Edge Tool Manufacturing in the Fabricated Metal Product Manufacturing subsector.

Several activities were transferred within the Transportation Equipment Manufacturing subsector. The number of transportation equipment industries increased from 18 in 1987 to 28 in 1997. For time series linkage, all but 3 of the 18 1987 industries are comparable within three percent of the 1997 industries. One of the three is an NEC industry.

Sally Katzen,

*Administrator, Office of Information and Regulatory Affairs.*

[FR Doc. 96-2139 Filed 2-5-96; 8:45 am]

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Tuesday  
February 6, 1996

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**Part III**

**Department of  
Housing and Urban  
Development**

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Office of the Assistant Secretary for  
Housing—Federal Housing Commissioner

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**24 CFR Part 290**

**Sale of HUD-Held Multifamily Mortgages;  
Final Rule**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT****Office of the Assistant Secretary for Housing-Federal Housing Commissioner****24 CFR Part 290**

[Docket No. FR-3970-I-01]

RIN 2502-AG59

**Sale of HUD-Held Multifamily Mortgages**

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Interim rule.

**SUMMARY:** This rule adds two provisions which conform the mortgage sale regulations to Departmental policy statements made in the preamble to the proposed and final rule.<sup>1</sup> First, in the sale of delinquent mortgages on partially-assisted and subsidized projects, HUD will require the assumption of federal rental subsidy contracts by project purchasers, including foreclosure purchasers. In addition, mortgage purchasers may not foreclose in a manner that would terminate such assisted tenants' leases. Second, owners of partially-assisted and subsidized projects will continue to be subject to a prohibition against discriminating against certificate and voucher holders after a mortgage sale without insurance. In addition, owners of both subsidized and unsubsidized projects with mortgages that are delinquent when sold by HUD must agree to record a covenant running with the land to continue this obligation through the maturity date of the mortgage, as part of the consideration of a loan restructuring or compromise of the mortgage indebtedness with the mortgage purchaser. Alternatively, if the mortgage purchaser forecloses, this nondiscrimination obligation would become applicable to the project purchaser at foreclosure.

The Department is also providing guidance to the public on its interpretation of the current rule excluding delinquent unsubsidized mortgages from sale where HUD believes that foreclosure is unavoidable and the project is occupied by unassisted very low-income tenants who would be likely to pay in excess of 30 percent of their adjusted monthly income if the mortgage were to be sold and then foreclosed.

**DATES:** Effective date: March 7, 1996.

Comment due date: April 8, 1996.

**ADDRESSES:** Interested persons are invited to submit comments regarding this interim rule to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address. Faxed comments will not be accepted.

**FOR FURTHER INFORMATION CONTACT:**

Audrey Hinton, Associate Director for Program Operations, Office of Multifamily Asset Management and Disposition, Office of Housing, Room 6160, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 708-3730, Ext. 2691. Hearing or speech-impaired individuals may call HUD's TDD number (202) 708-4594 or 1-800-877-8399 (Federal Information Relay Service TDD). (Other than the "800" number, these are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:****Background**

The source of the Secretary's authority to sell, transfer and otherwise deal with multifamily mortgages is section 207(l) of the National Housing Act (12 U.S.C. 1713(l)), section 7(i) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(i)), and section 203 of the Housing and Community Development Act Amendments of 1978, as amended, (12 U.S.C. 1701z-11) ("the 1978 Act"). Section 203 of the 1978 Act also addresses the terms and conditions under which HUD-held mortgages may be sold, distinguishing between mortgages securing subsidized and unsubsidized projects and authorizing the Secretary to enter into negotiated sales of mortgages on subsidized projects with state and local housing agencies.

A final mortgage sale rule was published on September 22, 1994 at 59 FR 48726, following public notice and a 60-day comment period on a proposed rule, published on April 11, 1994 at 59 FR 17500. The final rule became effective on October 24, 1994.

Subsequently, the mortgage sale regulations were included in a comprehensive revision of 24 CFR part 290. This is an interim rule, published and made effective on March 2, 1995 at 60 FR 11487. The September 22, 1994

mortgage sale rules were renumbered. Moreover, the final rule text was adapted to a new question and answer format, designed to enhance the accessibility of HUD's regulations to the general public. The March 2, 1995 interim rule includes a new goal section for the mortgage sale program, 24 CFR 290.3(b), based on language in the preamble to the proposed rule. It also includes a definition section, 24 CFR 290.5, applicable to all subparts of the 290 regulations. The mortgage sale regulations are currently codified at 24 CFR part 290, subpart I, in the April 1, 1995 edition of the Code of Federal Regulations.

The following section-by-section analysis describes the amendments made by this rule and related matters.

*Section 290.110 How will HUD sell unsubsidized mortgages?*

This rule does not amend § 290.110. Rather, the preamble provides an informational explanation of how this provision has been and will be implemented by HUD and in particular, discusses the provision requiring the exclusion of certain delinquent mortgages from sale.

By way of background, Congress clarified the Secretary's broad discretion in selling mortgages on unsubsidized projects in section 101(b) of the Multifamily Housing Property Disposition Reform Act of 1994 ("the 1994 Act") by adding section 203(k)(4) to the 1978 Act, as amended (12 U.S.C. 1701z-11(k)(4)). Under section 203(k)(4), the Secretary is expressly authorized to sell mortgages held on unsubsidized projects on any terms and conditions the Secretary prescribes, notwithstanding any other provision of law. The 1994 Act also changed the definitions of "subsidized" and "unsubsidized" projects, set forth in section 203(b)(2) of the 1978 Act, as amended. The category of unsubsidized projects was expanded to include partially-assisted projects (those projects without mortgage interest subsidies and with project-based rental subsidies for 50% or less of the units). (12 U.S.C. 1701z-11(b)(2); 24 CFR 290.5.) The final mortgage sale rule, published on September 22, 1994, as well as the March 2, 1995 interim rule, reflect the changes made in the 1994 Act.

Consistent with the current rule, the Department plans to sell unsubsidized mortgages without FHA insurance, on a competitive basis. Section 290.110 permits the sale of unsubsidized mortgages with or without FHA mortgage insurance. To date, HUD has sold all such mortgages (current and delinquent) without insurance and

<sup>1</sup> This rule and the policies contained in this rule are intended to satisfy HUD's obligations under the settlement agreement in *Walker v. Kemp*, No. C 87 2628 (N.D. Cal.).

intends to continue this policy and practice for all future sales. Further, § 290.100 is explicit that all unsubsidized mortgages will be sold on a competitive basis. This reflects the Department's policy and practice, including plans for the sale of mortgages on partially-assisted projects. The preamble to the September 24, 1994 final rule (59 FR 48727) suggested the possibility of specialized auctions for these mortgages involving a group of investors selected, in part, on the basis of their commitment to preserving the economically integrated rental use of the housing. This is no longer the Department's plan. The mechanism for preserving the mixed-income nature of partially-assisted housing will be the continuation of federal rental subsidies pursuant to § 290.112 and continuation of the owners' duty to refrain from unreasonably refusing to lease units to certificate and voucher holders, including current and future tenants, pursuant to § 290.114 of this interim rule.

Section 290.110(b) permits the sale of delinquent unsubsidized mortgages without FHA mortgage insurance but excludes certain mortgages from sale. Under § 290.110(b), HUD will not sell a mortgage if HUD believes that foreclosure is unavoidable and the project securing the mortgage is occupied by very low-income tenants who are not receiving federal rental housing assistance and who are or might become rent-burdened (paying rent in excess of 30% of adjusted monthly income) if the mortgage were to be sold and foreclosed. When formulating this rule, HUD took into consideration tenant protections under the property disposition provisions of the statute, section 203(g) of the 1978 Act, as amended (12 U.S.C. 1701z-11(g)). If HUD forecloses on a mortgage, then for a two-year period following disposition of the project, rents for pre-existing unassisted very low-income tenants cannot be increased by the purchaser to such an extent that these tenants would become rent-burdened. Further, such tenants, who were already rent-burdened prior to disposition, receive a rent freeze for a two-year period. (See preamble to the proposed rule, 59 FR 17502 (April 13, 1994) and to the final rule, 59 FR 48727 (September 22, 1994).)

The preambles to the proposed and final rules do not indicate how HUD would interpret and apply the phrase "foreclosure is unavoidable" and no public comments were offered on this specific issue. HUD's practice has been to consider foreclosure to be "unavoidable" if legal notice of the

foreclosure sale has been published or HUD has initiated foreclosure sale marketing activities. Picking one or more procedural steps results in the application of a uniform, objective standard by the agency. However, these benchmarks are not predictive of whether "foreclosure is unavoidable" in any given situation and have been questioned by owners and other affected parties in specific cases. In theory and in practice, a borrower might offer HUD (or a mortgage purchaser if the loan were to be sold) an acceptable workout agreement late in the foreclosure process or seek approval to transfer the property to a purchaser who offers to invest resources to cure the mortgage delinquency.

HUD has reconsidered its practice and decided to advise the public of the circumstances that will give rise to a determination that foreclosure is unavoidable for purposes of § 290.110(b). In the future, HUD plans to use different but objective guidelines, ones that relate more closely to Congressional intent in giving HUD broad discretion in the management and disposition of its portfolio of unsubsidized mortgages. In the sale of delinquent unsubsidized mortgages, HUD's primary objective is to avoid foreclosures by maximizing opportunities for private sector loan restructurings. This is the most expeditious way to restore properties to stable operating condition, which benefits all current and future tenants and affected communities.

First, HUD's general practice will be to consider foreclosure to be unavoidable if the project is occupied and HUD is mortgagee-in-possession ("MIP"). Typically, HUD seeks MIP status where the owner has abandoned the property or where necessary to protect the health and safety of residents while HUD pursues a foreclosure action. In these circumstances, prospects for a successful loan restructuring are remote and the probability of foreclosure is high. While not a constraint on the exercise of the Secretary's discretion to sell unsubsidized mortgages under section 203(k)(4) of the 1978 Act, as amended, it should be noted that, when HUD is MIP, it has certain statutory duties with respect to the operation of a project. (See, e.g., sections 203(d)(2) and 203(j)(1) of the 1978 Act.)

Second, even when the agency is not MIP, HUD's general practice will be to consider foreclosure to be unavoidable where HUD has determined that the property may be vacated by a foreclosure sale purchaser for demolition, rebuilding, conversion of use or substantial rehabilitation

resulting in temporary relocation of more than 90 days or permanent displacement of residents. (See section 203 (g) and (j) of the 1978 Act, as amended; 24 CFR 290.42 and 290.88.) Typically, HUD's decision will be reflected in the foreclosure sale bid package and in its foreclosure sale notices sent to tenants and local government pursuant to section 203(c)(3)(A) of the 1978 Act, as amended; 24 CFR 290.22. Implementation of such foreclosure terms, including provision of tenant relocation assistance, requires ongoing HUD involvement and control. HUD's general practice will be to exclude the mortgages on such projects from its sale program.

Neither HUD's earlier practice nor this revised guideline is intended to create new binding norms. It simply interprets the underlying standard which continues to be whether foreclosure is unavoidable and whether unassisted very low-income tenants are or would become rent-burdened if the mortgage were to be sold and foreclosed.

#### *Section 290.112 What are the requirements for continuing federal rental subsidy contracts?*

The preamble to the proposed mortgage sale rule stated that "The Department will sell delinquent mortgages on such projects that it believes can be worked out. While the Department would not expect it to be needed, purchasers of such mortgages would retain the option of foreclosure because the ability to foreclose facilitates workout activity." (See 59 FR 17501.) As discussed earlier, this reflects the Department's current policy and experience. Yet, no matter how prescient the Department might be in selecting delinquent mortgages for sale, some post-sale foreclosures will inevitably occur. HUD believes that this eventuality must be addressed more fully and prescriptively than it was in the proposed and final rule. Potential investors, project owners and tenants would benefit from a clearer statement of HUD's policies and loan sale requirements.

In the preamble to the April 13, 1994 proposed rule, HUD stated that "Under this rule, HUD would require that purchasers of mortgages agree not to induce any project owner to terminate a project-based Section 8 assistance contract, and, in the event of foreclosure, to assume any Section 8 contract." (59 FR 17502) HUD received a comment that this policy and related statements should be included in the rule text and that "purchasers of mortgages should be required to impose



upon any purchaser of a project at foreclosure the obligation to accept the existing Section 8 contract.” (National Housing Law Project letter, June 10, 1994, page 6.) In the preamble to the September 22, 1994 final rule, HUD rejected this change as unnecessary while agreeing with the policy content of the comment. (59 FR 48727) Section 8 housing assistance continues when a purchaser at foreclosure, with HUD’s approval, agrees to assume the obligations of the housing assistance payments contract. However, the legal basis for requiring the assumption of such contracts by a project purchaser, including a foreclosure purchaser, warrants clarification.

Section 290.112 of this rule implements HUD’s authority under section 203(k) of the 1978 Act to include this requirement in its mortgage sale documents. As a term or condition of buying a delinquent HUD-held mortgage, the mortgage purchaser and its successors or assigns must agree to assume project-based and tenant-based rental subsidy contracts, in the event it acquires title to the project. Further, the mortgage purchaser and its successors and assigns must also agree to record a covenant as a condition of a loan restructuring, or acceptance of an owner’s discounted pay-off of the debt, or in the event of foreclosure, in the foreclosure deed. The covenant will require the assumption of any federal rental subsidy contract by any project purchaser, for any sale occurring during the life of such subsidy contract. The covenant will expire on the date the last project-based federal rental subsidy contract expires by its own terms.

Imposition of this condition on a mortgage purchaser and indirectly, on a current or future project owner, is well within the scope of HUD’s discretion. If an owner has been spared from foreclosure, which typically carries significant adverse tax consequences, and has received the benefit of a loan restructuring or discounted pay-off from the mortgage sale purchaser, the owner has received consideration for recording this covenant. Extracting a public policy *quid pro quo* from the owner, in the form of a covenant requiring future owners to assume federal project-based and tenant-based rental assistance contracts, further assures that HUD’s mortgage sale program benefits low-income tenants.

As indicated by the “except where otherwise approved by HUD” language in § 290.112, HUD retains its authority under the rental subsidy contract and applicable program regulations to reject the assignment of a subsidy contract to a foreclosure purchaser or other

purchaser, to terminate the contract, and to provide certificates or vouchers to assisted tenants. The obligation of a purchaser to assume a federal subsidy contract does not imply any obligation on the part of HUD to approve the assignment of the contract to a new project owner.

In HUD’s discussion of the ongoing nature of Section 8 contracts post-foreclosure in the preamble to the proposed rule, it was assumed, *sub silentio*, that tenant leases entered into pursuant to such contracts would also remain in effect. Under most state laws, these leases could be terminated by foreclosure, raising a question about the rights of assisted tenants in occupancy. This rule is intended to eliminate any uncertainty about this by requiring the mortgage purchaser and its successors and assigns, in the event of a foreclosure of the mortgage, to foreclose in a manner that does not interfere with any lease of tenants receiving existing federal project-based or tenant-based rental assistance. Subject to this limitation, the rule is not intended to alter or otherwise affect the good cause eviction standards or other procedural requirements provided by HUD’s regulations. (See, e.g., 24 CFR part 247 and §§ 880.607 and 881.607.)

The Department is considering adopting requirements safeguarding the possessory rights of unassisted tenants in the event of a foreclosure. This is consistent with the congressional statement of policy that the administration of federal housing and development programs should minimize involuntary displacement of persons from homes and neighborhoods, 42 U.S.C. 5313 (note). Specifically, HUD would require that existing leases of unassisted tenants be maintained after foreclosure for a period equal to the remaining term of the lease or one year, whichever period is shorter, if the leases could otherwise be extinguished under state foreclosure law. This is analogous to the obligation imposed on foreclosure sale purchasers when HUD forecloses under the Multifamily Mortgage Foreclosure Act of 1981, as amended, 12 U.S.C. 3713(c); 24 CFR 27.45(b). This requirement was not raised in the April 13, 1994 proposed rule. HUD has not included a provision in this rule and will take public comment into consideration before adding such a provision through a final rule.

On or about the mortgage sale closing date, HUD also will take steps to provide notice, through posting or otherwise, to tenants in projects covered by § 290.112. The notice will inform tenants that HUD has sold the mortgage on their project and will advise them of

the continuation of federal rent subsidy and of the tenant lease protections in event of foreclosure. HUD will advise tenants of their right to enforce these requirements.

*Section 290.114 What policies apply concerning nondiscrimination in admitting certificate and voucher holders?*

This new section would continue in effect, after a mortgage sale without FHA mortgage insurance, policies against an owner’s unreasonable refusal to lease to Section 8 certificate and voucher holders. As explained herein, owners of subsidized and some unsubsidized (partially-assisted) projects are bound by this nondiscrimination provision while HUD insures or holds the mortgage. All purchasers of HUD foreclosed properties, whether formerly subsidized or unsubsidized, are subject to a comparable requirement.

This rule effectuates HUD’s intent, as set forth in the preamble to the proposed mortgage sale rule. (59 FR 17502) In response to public comment, HUD declined to include in the regulation, itself, a nondiscrimination prohibition on the grounds that the requirement was imposed by other regulations. (59 FR 48727) The Department had in mind section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)), which contains a prohibition against refusing to lease to certificate or voucher holders. Its applicability to project owners that have received Section 8 is not affected by HUD’s sale of these mortgages. However, HUD now recognizes that another applicable provision, section 183(c) of the Housing and Community Development Act of 1987 (42 U.S.C. § 1437f note) (the “1987 Act”), covers additional types of projects (such as a 221(d)(3)(B)MIR or Section 236 project without Section 8 LMSA). Upon sale of the mortgage without insurance, section 183(c) coverage would be terminated.

Section 183(c) of the 1987 Act provides that, while HUD insures or holds a mortgage, “No owner of a subsidized project, as defined in section 203(i)(2) of the Housing and Community Development Amendments of 1978 Act, as amended by section 181(h) of this Act [the 1987 Act]” shall refuse to lease any available unit to Section 8 certificate or voucher holders.” Section 203(i)(2) was repealed by the complete amendment of section 203 in section 101 of the 1994 Act. Section 203(b) of the 1978 Act, as amended by the 1994 Act, nonetheless, makes it clear that the previous definition of “subsidized project” continues to apply for purposes of

section 183(c). Therefore, although partially-assisted projects (projects with market-rate mortgages and with project-based rental assistance, but on no more than 50 percent of the units) are "unsubsidized projects" for purposes of mortgage sales and project sales under section 203 of the 1978 Act, they are "subsidized projects" for purposes of section 183(c).

The purpose of this new § 290.114 is to provide a clear basis for HUD to impose, as a term or condition in its sale of certain mortgages, a prohibition on discrimination against Section 8 certificate or voucher holders. Section 290.114(a) contains a nondiscrimination requirement comparable to section 183(c). Section 290.114(c) applies this requirement to all projects that were subject to section 183(c) immediately before a mortgage sale without FHA mortgage insurance. If HUD continued to hold the mortgage, the nondiscrimination obligation would terminate when the mortgage obligation was satisfied, whether through a prepayment or regular mortgage amortization. Therefore, the rule similarly limits the period of this obligation with respect to current mortgages on partially-assisted projects and subsidized projects sold without FHA insurance.

Section 290.114(d) requires, for any mortgage that is delinquent at the time HUD offers it for sale, that the mortgage purchaser impose a nondiscrimination covenant as a condition of any loan restructuring, acceptance of a discounted pay-off of the debt from the owner, or in the event of foreclosure, in the foreclosure deed. The covenant would be applicable for a period equal to the remaining term of the HUD mortgage. For the reasons discussed in the explanation of § 290.112, extracting a public policy *quid pro quo* from the owner, in the form of a covenant not to discriminate against Section 8 certificate or voucher holders, is an appropriate means to further assure that HUD's mortgage sale program benefits lower income tenants.

With respect to delinquent mortgages that are foreclosed by mortgage purchasers, or their successors or assigns, the rule simply assures parity with the treatment of projects foreclosed by HUD. Section 204 of the 1978 Act (12 U.S.C. 1701z-12), directs HUD to require a purchaser of any HUD-owned multifamily project to not unreasonably refuse to lease units to certificate holders that rent at or below Section 8 fair market rents. This provision also applies to a party that outbids HUD at the foreclosure sale and acquire title. (See 24 CFR 290.30 and 290.46.)

Accordingly, § 290.114(d) applies to the sale of all delinquent HUD-held mortgages, including delinquent mortgages securing unsubsidized projects with no project-based assistance.

Section 290.114(a) excludes unsubsidized mortgages securing projects with no project-based assistance if they are current at the time HUD offers them for sale. The Department has excluded these projects because they are not subject to section 183(c) of the 1987 Act immediately before HUD sells the mortgages and are not at risk of foreclosure, making future coverage under section 204 of the 1978 Act, discussed below, an irrelevant factor.

#### Other Matters

##### *Executive Order 12866*

This rule was reviewed by the Office of Management and Budget (OMB) under Executive Order 12866, Regulatory Planning and Review. Any changes made to the rule as a result of that review are clearly identified in the docket file, which is available for public inspection in the office of the Department's Rules Docket Clerk, room 10276, 451 Seventh Street SW, Washington, D.C.

##### *Regulatory Reinvention*

Consistent with Executive Order 12866, and President Clinton's memorandum of March 4, 1995 to all Federal Departments and Agencies on the subject of Regulatory Reinvention, the Department is reviewing all its regulations to determine whether certain regulations can be eliminated, streamlined or consolidated with other regulations. As part of this review, this interim rule, at the final rule stage, may undergo revisions at the final rule stage in accordance with the President's regulatory reform initiatives. In addition to comments on the substance of these regulations, the Department welcomes comments on how this interim rule may be made more understandable and less burdensome.

##### *Environmental Impact*

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20(k) of the HUD regulations, the policies and procedures contained in this rule relate only to HUD administrative procedures and, therefore, are categorically excluded from the requirements of the National Environmental Policy Act.

##### *Executive Order 12612, Federalism*

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order. Specifically, the requirements of this rule are directed to HUD administrative procedures, and do not impinge upon the relationship between Federal government and State and local governments.

##### *Executive Order 12606, the Family*

The General Counsel, as the Designated Official under Executive order 12606, *The Family*, has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the order. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

##### *Regulatory Flexibility Act*

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) has reviewed and approved this rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule will not affect the ability of small entities, relative to larger entities, to bid for and acquire HUD-held mortgages that HUD decides to sell.

##### *Justification for Interim Rulemaking*

In general, the Department publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking, 24 CFR part 10. However, part 10 provides for exceptions from that general rule where the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is "impracticable, unnecessary, or contrary to the public interest." (24 CFR 10.1) The Department finds that prior public comment is unnecessary because adequate opportunity to comment on the two regulatory provisions added by this rule has already been provided. The policies implemented by §§ 290.112 and 290.114 were discussed in the April 1994 proposed mortgage sale rule and in

the September 1994 final rule. In both documents, these policies were described as existing HUD policy, and HUD received public comment requesting that the policies be included in the rule itself. When the Department published the September 1994 final rule, it did not include the policies in the rule, not from a disagreement with the commenter over the substance of the policy, but because the Department believed that the policies could be implemented without adding regulatory provisions. As discussed above in the section-by-section analysis, there are limitations in existing authority that could allow for less than full and effective implementation of either of these policies. Further, inclusion of these requirements in announcements of future mortgage sales or in HUD loan sale documents may not provide adequate notice to tenants, owners and prospective investors of these obligations. On further consideration, therefore, the Department is establishing express regulatory bases for these policies.

#### List of Subjects in 24 CFR part 290

Low and moderate income housing, Mortgage insurance.

Accordingly part 290 of Title 24 of the Code of Federal Regulations is amended as follows:

#### **PART 290—MANAGEMENT AND DISPOSITION OF HUD-OWNED MULTIFAMILY PROJECTS AND CERTAIN MULTIFAMILY PROJECTS SUBJECT TO HUD-HELD MORTGAGES**

1. The authority citation for part 290 is revised to read as follows:

Authority: 12 U.S.C. 1701z–11, 1701z–12, 1713, 1715b, 1715z–1b; 42 U.S.C. 3535(d) and 3535(i).

2. New §§ 290.112 and 290.114 are added to read as follows:

##### **§ 290.112 What are the requirements for continuing federal rental subsidy contracts?**

For any mortgage that, at the time HUD offers the mortgage for sale without FHA mortgage insurance, is delinquent and secures a subsidized project or unsubsidized project that receives any of the forms of assistance

enumerated in paragraph (4)(i) to (4)(iv) of the “subsidized project” definition in § 290.5:

(a) The mortgage purchaser and its successors and assigns shall require the mortgagor to record a covenant running with the land as part of any loan restructuring or of a final compromise of the mortgage debt and shall include a covenant in any foreclosure deed executed in connection with the mortgage. The covenant shall continue in effect until the last federal project-based rental assistance contract expires by its own terms. The covenant shall provide that, except where otherwise approved by HUD, a project purchaser shall agree to assume the obligations of any outstanding—

(1) Project-based federal rental subsidy contract; and

(2) Tenant-based Section 8 housing assistance payments contract with a public housing agency and the related lease.

(b) In the event of foreclosure of the mortgage sold by HUD, the mortgage purchaser and its successors and assigns shall not foreclose in a manner that interferes with any lease related to federal project-based assistance or any lease related to tenant-based, Section 8 housing assistance payments.

##### **§ 290.114 What policies apply concerning nondiscrimination in admitting certificate and voucher holders?**

(a) *Nondiscrimination requirement.* For any mortgage described in paragraph (c) or (d) of this section that HUD sells without FHA mortgage insurance, the project owner shall not unreasonably refuse to lease a dwelling unit offered for rent, offer or sell cooperative stock, or otherwise discriminate in the terms of tenancy or cooperative purchase and sale because any tenant or purchaser is a certificate or voucher holder under 24 CFR part 982.

(b) *Inapplicability to current mortgages securing unsubsidized projects that receive no project-based assistance.* The nondiscrimination requirements of this section do not apply to any mortgage, that is current under the terms of the mortgage, at the time HUD offers it for sale, if the mortgage secures an unsubsidized

project that does not receive any of the forms of project-based assistance enumerated in paragraph (4)(i) to (4)(iv) of the “subsidized project” definition in § 290.5.

(c) *Applicability to mortgages securing unsubsidized projects receiving project-based assistance (partially-assisted projects) or securing subsidized projects.* (1) The nondiscrimination requirement in paragraph (a) of this section applies to the project owner upon the sale of a mortgage without FHA mortgage insurance if, at the time HUD offers the it for sale, the mortgage secures:

(i) An unsubsidized project that receives any of the forms of assistance enumerated in paragraph (4)(i) to (4)(iv) of the “subsidized project” definition in § 290.5; or

(ii) A subsidized project, as defined in § 290.5.

(2) This requirement shall continue in effect until the mortgage is paid in full, including by a mortgage prepayment, except as provided in paragraph (d) of this section.

(d) *Covenant requirement for all delinquent mortgages sold without FHA mortgage insurance.* This paragraph (d) applies to the sale of any mortgage that is delinquent at the time HUD offers it for sale without FHA mortgage insurance, without regard to the subsidy status of the project. The mortgage purchaser and its successors and assigns shall require the mortgagor to record a covenant running with the land as part of any loan restructuring or final compromise of the mortgage debt and shall include a covenant in any foreclosure deed executed in connection with the mortgage. The covenant shall set forth the nondiscrimination requirement in paragraph (a) of this section. The covenant shall continue in effect until a date that is the same as the maturity date of the mortgage sold by HUD.

Dated: January 11, 1996.

Nicolas P. Retsinas,

*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 96–2455 Filed 2–5–96; 8:45 am]

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**Claims and litigation:**

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Statutory reimbursement for land; CFR part removed; published 2-6-96

**Public relations:**

Support of nongovernmental test and evaluation; CFR part withdrawn; published 2-6-96

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**LIST OF PUBLIC LAWS**

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**Note:** No public bills which  
have become law were  
received by the Office of the  
Federal Register for inclusion  
in today's **List of Public  
Laws**. A cumulative list of  
Public Laws for the First  
Session of the 104th  
Congress was published in  
Part II of the **Federal  
Register** on February 1, 1996.  
Last List February 5, 1996